

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00am, Wednesday, 10th May, 2023**

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

### Contacts

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## 1. Order of business

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### 1.1 Order of Business

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

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 None.

## 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.

- 4.1** 1 Baileyfield Crescent, Edinburgh, EH15 1BW - Change of use from commercial units to residential flats to the upper floors, of the existing building (as amended) - application no. 22/05536/FUL - Report by the Chief Planning Officer 9 - 22
- It is recommended that this application be **GRANTED**.
- 4.2** 1F4, 125 Constitution Street, Edinburgh, EH6 7AE - Change of use (retrospective) from flat to short-term let apartment (Sui Generis) - application no. 22/03457/FUL - Report by the Chief Planning Officer 23 - 32
- It is recommended that this application be **GRANTED**.
- 4.3** 4 East Mains Of Ingliston, Ingliston Road, Newbridge - Hotel development (Class 7) with ancillary restaurant / bar (Class 3/Sui Generis), fitness suite (Class 11) and associated facilities with access, landscaping, parking and infrastructure - application no. 22/04151/FUL - Report by the Chief Planning Officer 33 - 56
- It is recommended that this application be **GRANTED**.
- 4.4** 272 Portobello High Street, Edinburgh, EH15 2AT - Alter hours of operation from 8am to 10pm to 8am to 11pm 7 days a week - application no. 23/00131/FUL - Report by the Chief Planning Officer 57 - 66
- It is recommended that this application be **REFUSED**.
- 4.5** 16 Ravelston Dykes Road, Edinburgh, EH4 3PB - Demolition/replacement of existing house - application no. 22/04322/FUL - Report by the Chief Planning Officer 67 - 76
- It is recommended that this application be **GRANTED**.

- 4.6** 67 St Leonard's Street, Edinburgh, EH8 9QR - Change of use from Class 2 stationery /printshop to Class 3 hot-food takeaway - 22/05923/FUL - Report by the Chief Planning Officer 77 - 86

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

- 4.7** 1F, 4 Thistle Street North West Lane, Edinburgh, EH2 1EA - Alterations and change use from a vacant art gallery to short-term residential letting with main door access (as amended) - application no. 22/04924/FUL - Report by the Chief Planning Officer 87 - 96

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

## **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.**

- 5.1** 27 & 29 Beaverhall Road, Edinburgh, EH7 4JE - Demolition of existing buildings and erection of mixed-use development comprising residential and other commercial uses, with associated private amenity and open space, landscaping/public realm, car parking, access arrangements, and associated infrastructure (205 units) (as amended) - application no. 22/01654/FUL - Report by the Chief Planning Officer 97 - 102

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

- 5.2** (Site east of) 94 Nicolson Street, Davie Street, Edinburgh - Partial demolition of the existing retail store and construction of flatted dwellings and associated infrastructure - application no. 22/01355/FUL - Report by the Chief Planning Officer 103 - 106

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** Centrum House, 108-114 & 116 Dundas Street, Edinburgh - 107 - 110  
application no's. 22/05886/FUL & 22/05884/CON - Protocol Note  
by the Service Director - Legal and Assurance
- 6.2** Centrum House, 108 - 114 & 116 Dundas Street, Edinburgh - 111 - 150  
Proposed demolition of existing office buildings and erection of a  
mixed-use development comprising 49 No. flats with 3 No.  
commercial units (Class 1, 2 and 3 uses), amenity space,  
landscaping, basement level car and cycle parking and other  
associated infrastructure - application no. 22/05886/FUL - Report  
by the Chief Planning Officer  
It is recommended that this application be **GRANTED**.
- 6.3** Centrum House, 108 - 114 & 116 Dundas Street, Edinburgh - 151 - 160  
Complete demolition in a conservation area - application no.  
22/05884/CON - Report by the Chief Planning Officer  
It is recommended that this application be **GRANTED**.

## 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.**

- 7.1** None.

## 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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Councillors 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 and virtually via Microsoft Teams. 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 Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [rachel.gentleman@edinburgh.gov.uk](mailto:rachel.gentleman@edinburgh.gov.uk).

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

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

### **Webcasting of Council meetings**

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

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Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

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

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

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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

**Application for Planning Permission  
1 Baileyfield Crescent, Edinburgh, EH15 1BW.**

**Proposal: Change of use from commercial units to residential flats to the upper floors, of the existing building (as amended).**

**Item – Committee Decision  
Application Number – 22/05536/FUL  
Ward – B17 - Portobello/Craigmillar**

### **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 more than six material objections have been received from third parties and the recommendation is to grant planning permission.

### **Recommendation**

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

### **Summary**

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan. The loss of employment premises and shop units then conversion to housing are all acceptable in principle and the proposals will contribute to the creation of sustainable and liveable places.

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

## **SECTION A – Application Background**

### **Site Description**

The site is located in Portobello near to the junction between Baileyfield Crescent and Fishwives' Causeway. It is a 4-storey non-residential block integrated with 'Building 26', which forms part of a residential development approved, built and largely occupied under planning permission 16/05898/FUL.

Small scale non-residential uses sit to the north on Fishwives' Causeway but the immediate surroundings to the south, west and east are predominantly residential in character. Larger in scale non-residential uses, 'Motorpoint Edinburgh', 'Aldi' and 'Kwik-fit', sit more distant to the west and north. The Portobello Town Centre begins and ends at the junction between Pipe Street and the High Street.

The is located within the boundaries of the Northwest Portobello Development Brief.

## **Description of the Proposals**

Planning permission is sought for the creation of nine residential flats across floors one to three of the existing building.

The site is restricted to Class 2 (financial, professional and other services) and Class 4 (business) by condition 6 of 16/05898/FUL. However, The Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023 came into force on the 31 March 2023 which has consolidated Class 1 (shop) and Class 2 into a new Class 1A (shops and financial, professional and other services). This Order has also affected condition 7 of 16/05898/FUL which restricted a change of use to the now redundant Class 1.

The proposals constitute the change in use of floors one to three from Class 1A and Class 4 to residential flat (*sui generis*). Six 2-bed units and three 1-bed units will be formed whilst the ground floor will be retained for Class 1A and 4 uses where no change in use is proposed. 15 cycle parking spaces and refuse and recycling storage will be located within integral stores and accessed via the rear elevation. External amenity space is to be provided by the shared garden ground established under 16/05898/FUL.

The application was amended prior to this recommendation. Scheme 2 altered the design of cycle parking and reduced the total number of spaces from 18 to 15 in order to provide low level racks. The waste and recycling provision was also updated so that it accords with current requirements of Waste and Cleansing Services. Scheme 3 made minor changes to the layouts of the residential flats.

## **Supporting Information**

A Planning Statement, Noise Break-in Investigation and a photographic example of the as proposed cycle parking were submitted in support. A revised Planning Statement and marketing exercise were provided post submission. All are available to view on the Planning and Building Standards Portal.

## **Relevant Site History**

19/05854/FUL  
17 Fishwives Causeway  
8 - 9,10,11,12,25 Baileyfield Crescent  
Edinburgh

Form 9 apartments on the upper floors of the commercial building whilst retaining commercial use on ground floor.

withdrawn

24 February 2020

16/05898/VARY

17 Fishwives Causeway

8 - 9,10,11,12,25 Baileyfield Crescent

Edinburgh

EH7 6GH

Non-Material Variation - general amendments to window positions, amended building footprints to remove internal garage and alter location of front entrances.

VARIED

17 May 2019

16/05898/FUL

17 Fishwives Causeway

8 - 9,10,11,12,25 Baileyfield Crescent

Edinburgh

EH7 6GH

Planning application for mixed use development of 435 new homes and commercial building including infrastructure, drainage and landscaping (SCHEME 4)

Granted

20 April 2018

## **Other Relevant Site History**

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 25 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:** 49

## 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 and Edinburgh Local Development Plan 2016 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

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, 3, 4, 9, 12 and 13;
- NPF4 Liveable Places Policies 14, 15 and 16;
- LDP Design Principles for New Development Policies 1 and 12;
- LDP Employment and Economic Development Policy 9;
- LDP Housing and Community Facilities Policies 1 and 5;
- LDP Shopping and Leisure Policy Ret 10; and
- LDP Transport Policies 2, 3 and 4.

The non-statutory Edinburgh Design Guidance, the Cycle Parking Factsheet and the Northwest Portobello Development Brief guide the interpretation of the LDP Policies.

## Principle of the loss of non-residential use

NPF4 Policy 9a) and 9d) (Brownfield, Vacant and Derelict Land and Empty Buildings) support the reuse of vacant existing buildings. LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of employment sites if the non-employment proposals would not inhibit the activities of existing operations and if they contribute to the comprehensive regeneration and improvement of the wider area. The site is not larger than one hectare with regards to LDP Policy Emp 9c) so this qualifier, which seeks employment floorspace in redevelopment proposals, does not apply.

In respect of LDP Policy Emp 9a), the agent of change principle has been exercised for the nearest employment sites (four total). These sit to the north on Fishwives Causeway. Two are of a vehicle repair nature and one relates to vehicle sales. The 'Noise Break-in Investigation' confirms that residential amenity will not be adversely impacted by noise from the employment sites below or nearby (largely as the vehicle repair operations occur internally) which should mitigate the potential for complaints from future occupiers. In considering privacy, the ground floor of the 2-storey 'Baileyfield Garage', one of the vehicle repair premises, is blank. Its upper floor office element features two large windows side by side and whilst these look onto the site, neither have a direct line of sight into habitable rooms and bathroom units have obscure glazing. The ground floor of the single storey 'Auto=XL Fleet Maintenance Solutions', the second vehicle repair premises, is also blank and it acts as a screen between the site and the yard of 'Porto Motors', the vehicle sales premises. The employment sites are completed by the 'Portobello Pakistani Educational and Cultural Centre' but there are no material amenity or inhibition of activity concerns in respect of its ongoing operations due to its degree of separation and general compatibility with housing.

The North West Portobello Development Brief's purpose is to *"provide a general framework to guide and co-ordinate the development of North West Portobello over the next 15 to 20 years. It is however intended to be flexible, and will be expanded as required as specific proposals, additional sites, or development pressures come forward"*. It dates from 2008 and has fulfilled its purpose as acting as a guide for forthcoming developments within the Baileyfield area. These sites are now largely developed and due to the age of the Brief, it has less weight as a material consideration.

As noted in the 16/05898/FUL report of handling, the building constituted *"speculative commercial floorspace and it is envisaged that this could provide Class 2 and/or Class 4 uses, possibly including healthcare facilities, offices or community space"*. However, attempts to occupy the building with these operators have not been successful. The applicants have sought to demonstrate their attempts at finding occupiers following a marketing exercise which was originally submitted as part of a Planning Statement. A revised version, which expanded upon the detail of the first submission, was then provided as a standalone document. There is no NPF4 or LDP policy requirement for a marketing exercise in respect of the loss of employment premises of this scale on unallocated land. Notwithstanding, attempts to find occupiers appear reasonable and of a length of time which suggests that there may be limited demand for speculative commercial floorspace of this type, in this location.

Although the proposals for conversion to residential are small scale, they will contribute to the comprehensive regeneration and improvement of the wider area through the occupation of a vacant building with a use which is compatible with the character of the immediate and wider surroundings.

#### Principle of the loss of a shop unit

NPF4 Policy 9a) and 9d) (Brownfield, Vacant and Derelict Land and Empty Buildings) support the reuse of vacant existing buildings. LDP Policy Ret 10 (Alternative Use of Shop Units in Other Locations) requires the giving of regard to whether:

- b) the proposals are compatible with the character of the area when located within a predominantly commercial area;
- c) they would result in the loss of premises suitable for small business uses;
- d) there is a clear justification to retain the unit as a shop to meet local needs and
- e) the development is acceptable in terms of external appearance and standard of accommodation if the new use is residential in nature.

The LDP Policy Ret 10a) qualifier is not relevant to this site which is not located within a speciality shopping street.

The proposals are not located within a predominantly commercial area and housing is compatible with the prevailing residential character of the surroundings. The loss of premises suitable for small business use has been considered under the preceding section and the external works and standard of accommodation are acceptable as assessed under the following section. Although the existing building now benefits from the provisions of Class 1A, the intent of condition 7 of 16/05898/FUL was to restrict a shop use in order to protect Portobello Town Centre. Accordingly, there is no justification to retain the unit as a shop as the Town Centre first approach for retail is still supported by NPF4 and the LDP.

#### Principle of residential use

NPF4 Policy 16c) (Quality Homes) supports new homes that improve affordability and choice. NPF 4 Policy 16f) only supports new homes on unallocated land when they are:

- i. supported by an agreed timescale for build-out; and
- ii. otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods and
- iii. for smaller scale opportunities within an existing settlement boundary.

The iii-qualifier listed above, out of four, is the only one relevant to these proposals.

LDP Policy Hou 1d) (Housing Development) supports housing in the Urban Area if the proposals are compatible with other LDP policies. LDP Policy Hou 5 supports the conversion to housing of non-residential buildings if a satisfactory residential environment can be achieved, if compatible with nearby uses and when acceptable in regard to other LDP policies including those that seek to safeguard important or vulnerable uses.

In respect of NPF4 Policy 16c), the proposals will provide the choice of "a range of size of homes such as those for larger families". In respect of NPF4 Policy 16f i and iii), there is no need to agree a build out timescale for this change of use application and the proposals are small scale and located within a settlement. In respect of LDP Policy Hou 5d), an "important" or "vulnerable" use appears to constitute an empty shop unit with reference being made to LDP Policy Ret 10. The loss of a premises suitable for a shop or small business has already been assessed and considered acceptable under the preceding sections. Whether the proposals accord with other relevant NPF4 and LDP policies is assessed in the following sections.

NPF4 Policy 16e), which requires 25% affordable housing unless the LDP sets out when a lower contribution is justified, is not deemed to apply. LDP Policy Hou 6 (Affordable Housing) does not require 25% affordable housing if 11 or less units are proposed, which is the case here. Contributions towards education, health, transport or greenspace are not required for proposals of this scale or because they do not fall within an applicable area of the Action Programme.

#### *Creation of a satisfactory residential environment*

NPF4 Policy 12c) (Zero Waste) requires that proposals set out waste generation and its management. NPF4 Policy 13b) and 13e) (Sustainable Transport) support proposals which have been considered in line with the sustainable travel and investment hierarchies and are ambitious in terms of low / no car parking. LDP Policy Hou 3 (Private Green Space in Housing Development) requires 10 sqm of communal open space per residential flat and 20% of the site to be useable greenspace. LDP Policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) support proposals which accord with the Edinburgh Design Guidance for car and cycle parking. LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets out the design considerations for both.

Internal floor areas accord with the minimum requirements of the Edinburgh Design Guidance. Only three of the nine residential units will be dual aspect which is below the desired 50% of total (five). However, all will receive sufficient levels of natural light due to the separation of the site from nearby buildings and size and location of windows, in respect of relating to habitable rooms. There are no material privacy concerns with regard to future occupiers or neighbouring developments and noise from nearby uses have been considered in the previous section.

Future occupiers will have access to the same external amenity space as current residents of 'Building 26' and it is of a scale which can accommodate the increased demands from these proposals; 1,070 sqm of communal space would exist for 79 residential flats on approval of this application in respect of LDP Policy Hou 3. 20% of the site is not useable greenspace but it would be unreasonable for this component to apply for a change in use application. No additional car parking spaces are proposed, which is supported by both NPF4 and LDP policy. 15 cycle parking spaces are proposed within an integral store. The level and design of the spaces are in accordance with the Edinburgh Design Guidance and Cycle Parking Factsheet.

Residential refuse is integral at ground level, accessed via the side elevation and accords with current requirements of Waste and Cleansing Services. Waste generation is anticipated to be typical for residential uses of this scale and the management arrangements raise no material concerns.

NPF4 Policy 19f), which supports proposals for buildings that will be occupied by people where they are designed to promote sustainable temperature management, is not deemed to apply. This application is to change the use of an existing building rather than constituting "*proposals for buildings*". However, the building is modern and likely to be highly efficient in heat retention.

#### *Compatibility with and 'local living' accessibility to nearby uses*

NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) requires proposals to contribute to local living including, where relevant, 20-minute neighbourhoods.

Housing is compatible with the prevailing residential character of the surroundings as well as the nearby employment sites in respect of safeguarding their continued operation as considered in the previous section. The residential flats are a three minute walk (320 metres) from the junction between Portobello High Street and Pipe Lane, the westernmost extent of the Portobello Town Centre, and a 13 minute walk (965 metres) to the easternmost extent. An Aldi, which sits outwith Portobello Town Centre, is a 3-minute walk (160 metres) and the promenade (320 metres), Rosefield Park (320 metres) and bus stops (160 metres) are all within 5 minutes of the site. The residential uses are also located within the same building as Class 2 and 4 floorspace. The proposals will contribute to local living as future occupiers will have the opportunity to have a significant proportion of their needs met by nearby amenities.

#### Tackling the climate and nature crises

NPF4 Policy 1 (Tackling the Climate and Nature Crises) requires the giving of significant weight to the global climate and nature crisis. NPF4 Policy 3a) and 3c) (Biodiversity) requires that proposals include appropriate measures to conserve, restore and enhance biodiversity. NPF4 Policy 4a) (Natural Places) restricts proposals which will have an unacceptable impact on the natural environment.

Significant weight has been given to the global climate and nature crisis and the balance is tipped in favour of the proposals. They shall not have an unacceptable impact on the environment and whilst no specific measures to enhance biodiversity are proposed, it is accepted that material habitat enrichment is limited by the change in use nature of the application. Some weight has also been given to the landscaping improvements introduced as part of 16/05898/FUL which are well established and likely to have resulted in a net improvement in biodiversity particularly when compared to the historic industrial / commercial use of the land.

NPF4 Policy 2 (Climate Mitigation and Adaptation), which requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions and be adaptable to current and future risks of climate change, is not deemed to apply to this change in use application.

#### External alterations

NPF4 Policy 14a) and b) (Design, Quality and Place) support proposals which are consistent with the six qualities of successful places and when they improve the quality of an area. LDP Policy Des 1 (Design Quality and Context) requires the creation of, or contribution to, a sense of place.



LDP Policy Des 12 (Alterations and Extensions) supports external alterations which are compatible with the character of the building, when they do not result in an unreasonable loss of privacy or natural light to neighbouring properties or be of detriment to neighbourhood amenity and character.

External alterations to the building are confined to the formation of openings to the ground floor. These minor works are compatible with the building and shall not result in an unreasonable loss of privacy or natural light to neighbouring properties and nor will they be of detriment to neighbourhood amenity and character. The proposals will contribute to the creation of a sense of place through the occupation of a vacant building with a use which is compatible with the character of the immediate and wider surroundings.

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

Significant weight has been given to the global climate and nature crisis and within this context, the proposals are acceptable. The loss of employment premises and shop units then conversion of a vacant building to housing are all acceptable in principle and a residential use is compatible within the prevailing character of the surroundings. The proposals will not have an unacceptable impact on the natural environment and the arrangements for waste, recycling, car and cycle parking are acceptable. The design is consistent with the six qualities of successful places and the development will contribute towards local living. The proposals are in accordance with NPF4 Policy 1, 3, 4, 9, 12, 13, 14, 15 and 16 and LDP Policy Des 1, Des 12, Emp 9, Hou 1, Hou 5, Ret 10, Tra 2, Tra 3 and Tra 4.

#### **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 and human rights. No materially unacceptable impacts have been identified for these proposals which are to change the use of an existing building.

##### Public representations

48 letters of representation were received, 46 in objection and two in support. A duplicated objection has been removed from the total. Material considerations raised have been summarised and addressed in Section a) of this report on handling.

### *Material considerations in objection*

- Loss of employment use
- Non-compliance with the North West Portobello Development Brief
- Increase in demand for local public services
- Increase in vehicular traffic and car parking demand

### *Non-material considerations in objection*

- Adequacy of the marketing exercising
- Loss of space for a doctor, dentist, childcare, 'craftspeople', physio, chiropractor, community space, café for parties, funeral gatherings or occupational therapist
- Concerns regarding pavement parking, parking in accessible bays, impediment of emergency vehicles by 'poor' parking and alleged use of parking spaces by nearby businesses
- Concerns regarding the management or factoring of the development approved by 16/05898/FUL
- Developer of 16/05898/FUL not contacting existing residents to allow them to make comment
- Lack of consultation with or marketing to local community groups
- Lack of electric vehicle charging points
- Not what was approved under 16/05898/FUL

### *Material considerations in support*

- Prefer residential occupancy over continued vacancy

### *Non-material considerations in objection*

- None

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

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

### **c) Overall conclusion**

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan. The loss of employment premises and shop units then conversion to housing are all acceptable in principle and the proposals will contribute to the creation of sustainable and liveable places.

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

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

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

### Reasons

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

### Informatives

It should be noted that:

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

### Background Reading/External References

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

**Further Information - Local Development Plan**

**Date Registered: 18 November 2022**

### Drawing Numbers/Scheme

01, 02A, 03B, 04A, 05A

Scheme 3

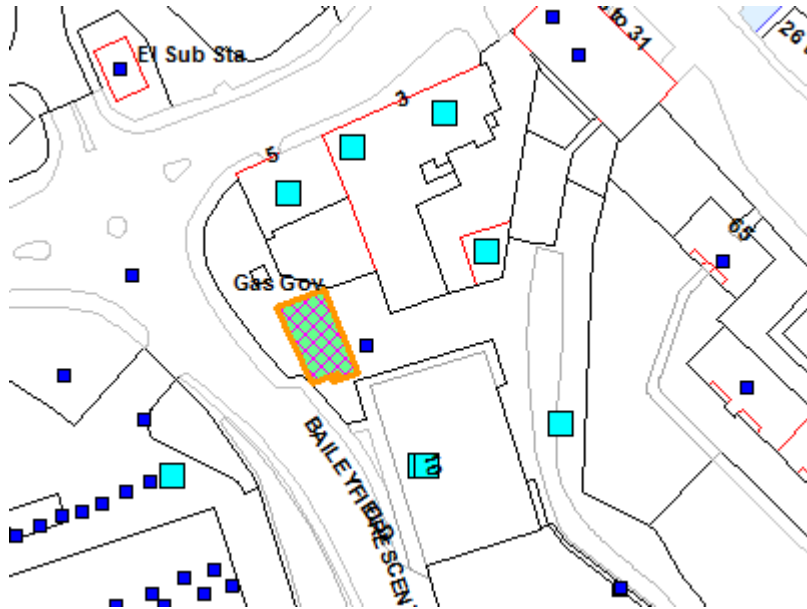
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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

## Summary of Consultation Responses

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 10 May 2023**

**Application for Planning Permission  
1F4 125 Constitution Street, Edinburgh, EH6 7AE.**

**Proposal: Change of use (retrospective) from flat to short-term let apartment (Sui Generis).**

**Item – Local Delegated Decision  
Application Number – 22/03457/FUL  
Ward – B13 - Leith**

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

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

### **Recommendation**

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

### **Summary**

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

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

However, the site is uniquely located within an existing guest house where access to the flat is taken past the reception area. This means that the impact of the short term let use would essentially be masked by the surrounding 12 rooms within the guest house. Residential properties in the vicinity of the guest house will already be used to the noise levels of the guest house activity. The proposal is acceptable with regard to amenity and the character of the area.

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

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

## **SECTION A – Application Background**

### **Site Description**

The application site relates to a first floor flat at Flat 4 125 Constitution Street, Leith. The property has three bedrooms, a sitting /dining room and kitchen/breakfast room. The application property is on one level and is effectively embedded within an operational existing guest house- Pillar's House Bed and Breakfast. The application property is accessed via a main door off Constitution Street, which is shared with the guest house. To gain entry specifically to flat 4 access is through the reception area of the guest house. There is a private flat adjacent to flat 4 which is occupied by the manager of the guest house. The guest house has 12 individual rooms which occupy the remainder of the building.

This section of Constitution Street is mixed use in character. There is a semi-derelict church to the north, an office and warehouse to the west on the other side of Constitution Street. There is a block of flats to the south.

The application property is located within a category B listed building. LB 27233 dated 23/9/1995.

The site lies within the Leith Conservation Area.

### **Description of the Proposal**

The application is for a change of use from residential to short term let (sui generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since 2013. Therefore, the application is retrospective.

### **Supporting Information**

Planning Statement.  
National Planning Framework 4 Planning Statement.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant planning site history.



## Pre-Application process

There is no pre-application process history.

## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 18 July 2022

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

**Press Publication Date(s):** 22 July 2022

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

**Number of Contributors:** 0

## 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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

#### **Setting of Listed Buildings**

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

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

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

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

The document states that where development is proposed it is important to:

- *identify the historic assets that might be affected;*
- *define the setting of each historic asset; and*
- *assess the impact of any new development on this".*

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 harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 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 Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

There are no external alterations proposed. The change of use from a flat to an STL will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

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

The proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

The relevant NPF4 and LDP 2016 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 Building and Conservation Area

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

### Proposed Use

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

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

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

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

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

### *Amenity*

The property is on the first floor of a three-storey building which also accommodates Pillars House Bed and Breakfast and a private flat occupied by the guest house manager. There are no other private flats in the building and the guest house comprises 12 separate rooms. All the properties/guest rooms are accessed from the one main door off Constitution Street. There is no external amenity space.

As the application property is embedded within the guest house, there is already a degree of activity surrounding it. The impact of this STL use would essentially be masked by the occupants of the 12 guest rooms located around the building. Although there is a private flat adjacent to the application property the current occupant has an interest in the operation of the guest house. The character of the surrounding area in Constitution Street is fairly mixed. Despite the proximity of residential uses to the south of the building in which the application property sits, the impact on residential amenity will be no greater than that which currently exists due to the existence of the guest house. The application property has no private or public amenity space. The STL use is acceptable with regards to neighbouring amenity and the character of the area.

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

### *Loss of residential accommodation*

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

The applicant has provided a planning statement which confirm how the application property is uniquely located inside an existing guest house which would be unsuitable for conventional residential use. The statement lists direct local economic benefits which the short term let use brings, including cleaning fees, meet and greet charges and income for the local launderette.

The property is embedded within an existing guest house with access taken past the reception area. The level of amenity for any stand-alone residential property would be compromised by the access through a commercial business. The historic use of the property has been residential and therefore the use of the property now 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.

It is accepted that the use of the property by guests will likely result in some economic benefit locally, and that there will be some positive impact on the local economy. However, residential occupation of the property also contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, and the ability to make contributions to the local community.

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

### Parking Standards

There is no on-street parking available. This is acceptable and there is no requirement for cycle parking for short term lets.

The proposal complies with LDP Policies Tra 2 and Tra 3.

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

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

However, the site is uniquely located within an existing guest house where access to the flat is taken past the reception area. This means that the impact of the short term let use would essentially be masked by the surrounding 12 rooms within the guest house. Residential properties in the vicinity of the guest house will already be used to the noise levels of the guest house activity. The proposal is acceptable with regard to amenity and the character of the area.

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

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

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

The following material planning considerations have been identified:

### Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

### Equalities and human rights

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

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

### Public representations

No representations have been received.

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

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

### **Overall conclusion**

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

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

However, the site is uniquely located within an existing guest house where access to the flat is taken past the reception area. This means that the impact of the short term let use would essentially be masked by the surrounding 12 rooms within the guest house. Residential properties in the vicinity of the guest house will already be used to the noise levels of the guest house activity. The proposal is acceptable with regard to amenity and the character of the area.

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

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

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

1. There are no conditions attached to this permission.

### Background Reading/External References

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

**Further Information - Local Development Plan**

**Date Registered: 7 July 2022**

### Drawing Numbers/Scheme

01

Scheme 1

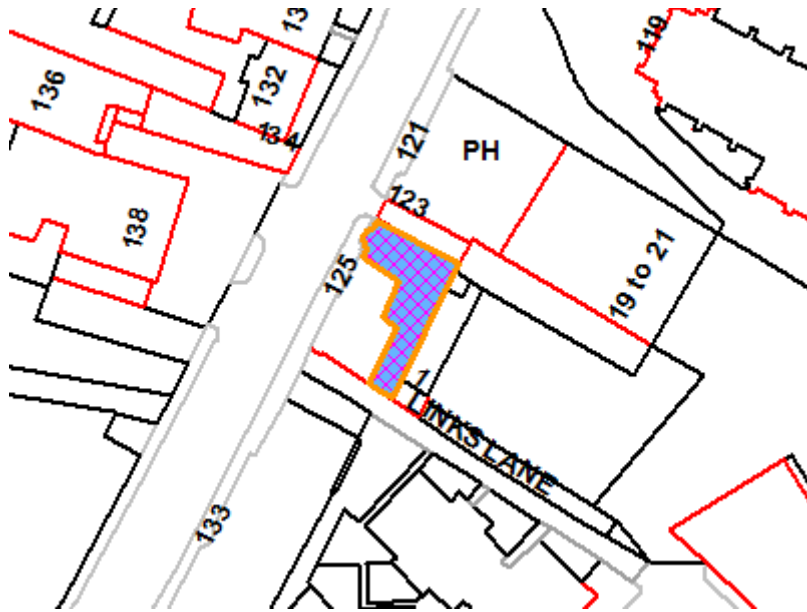
**David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council**

Contact: Lesley Porteous, Planning Officer  
E-mail:lesley.porteous@edinburgh.gov.uk

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

**Application for Planning Permission  
4 East Mains Of Ingliston, Ingliston Road, Newbridge**

**Proposal: Hotel development (Class 7) with ancillary restaurant / bar (Class 3/Sui Generis), fitness suite (Class 11) and associated facilities with access, landscaping, parking and infrastructure.**

**Item – Other Item at Committee  
Application Number – 22/04151/FUL  
Ward – B01 - Almond**

### **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 relates to a development of wider public interest.

### **Recommendation**

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

### **Summary**

The site is a suitable sustainable location for the proposed development and the use is compatible with the character of the locality. The proposal is considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring residential amenity.

The proposed development is in accordance with NPF 4 and the Edinburgh Local Development Plan. The proposals align with the objectives of the West Edinburgh Strategic Design Framework (WESDF).

The proposal is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and will not harm the setting of nearby listed buildings.

There are no material considerations which indicate that the proposal should be refused. Therefore, the proposal is acceptable.

## SECTION A – Application Background

### Site Description

The application site is a 0.45 ha brownfield site close to Edinburgh Airport (1100m to main terminal entrance). A residential ruin sat within the site which has since been demolished.

It's situated to the north of the A8 Glasgow Road into the city from the west.

To the west is Ingliston Road providing access to Royal Highland Centre (RHS) and service access to the airport.

To the immediate north is land used for car parking which is identified for the future tram halt and extension, beyond which is a single storey nursery. The land to the north and west is all under ownership of the RHC.

The site is bounded to the east by an airport parking facility and to the east of this (ca. 450m from the site) is the Ingliston Park and Ride Facility which is also serviced by the Park and Ride Tram Halt (ca. 750m from the site).

To the south of the A8 is a petrol station and housing, beyond which is farmland.

The site is within the urban area, and designated as employment land in the LDP.

There are nearby listed buildings including the Category A Ingliston House and Stables (Ref: LB27436 dated 22/01/1971) and Category B Listed Gogar Castle (Ref: LB27112 dated 14/07/1966).

### Site Context

On 2 March 2000 an application for outline planning permission for the "proposed demolition of existing guest house & erection of a new hotel & integrated restaurant development with associated car parking, access and landscaping" was refused by the Council (planning reference 99/02697/OUT). At the time, the site within the designated Green Belt of Edinburgh as defined by the Development Plan. The site was removed from the greenbelt designation in the recent Edinburgh Local Development Plan, adopted November 2016.

(Royal Highland Centre Masterplan (Planning Reference 10/01832/PPP)

Planning Permission in Principle has been sought for a 20-year Masterplan for the future development of the Royal Highland Centre, which incorporates the following;

- 12,391 sqm of hotel floorspace;
- A 11,885 'Centre of Excellence';
- 1,800 sqm for conference/ leisure space;
- A 7,644 sqm 'Agricultural Hub' office; and
- 5,050 sqm of other office.

The application was minded to grant pending the conclusion of the Section 75 legal agreement. This legal agreement was never concluded.

## **Description Of The Proposal**

The application planning permission for the erection of Hotel development (Class 7) on the site. The proposal includes ancillary uses including a restaurant / bar (Class 3/Sui Generis), a fitness suite (Class 11) and other associated facilities. Site works also include creation of an access, landscaping, parking facilities and associated infrastructure.

The proposal provides for a singular building with eight floors of accommodation. Six floors of bedroom accommodation are proposed to be sandwiched between the other hotel associated functions. An external screened plant is also proposed at roof level. The hotel accommodation will provide for 204 beds, along with a roof top restaurant function area with outdoor terrace on level seven.

A total of 33 car parking spaces are proposed, four of which are accessible and six of which are to be electric vehicle charging spaces. The application also proposes 24 cycle parking spaces and five motorcycle spaces. Vehicular access will be taken from Ingliston Road, on the west side of the site.

Comprehensive landscaping is proposed to the site, along with new tree planting.

## Amendments

The proposal was amended to include glazed acoustic barriers to the terrace at level seven, in the interests of amenity. In addition minor amendments were made to the landscaping and planting scheme to ensure protection of existing trees and improve the landscaping proposals. Revised drawings were submitted to reflect these changes.

## **Supporting Information**

- Design and Access Statement
- Cultural Heritage Desk Based Assessment
- PAC Report
- Planning Statement
- Hotel Demand Study
- Updated Noise Impact Assessment
- Air Quality Impact Assessment
- Energy Strategy
- Transport Statement
- Parking Management Strategy
- Landscape Management Plan
- Tree Survey Schedule and Plan
- Updated Arboricultural Impact Assessment
- Bat Report
- Preliminary Ecological Appraisal
- Self Cert A1
- Surface Water Management Plan

## **Relevant Site History**

21/05522/PND

4 East Mains Of Ingliston

Ingliston Road

Edinburgh

Newbridge

EH28 8NB

Prior Notification for Demolition of buildings.

Permitted Development

18 November 2021

22/00812/PAN

4 East Mains Of Ingliston

Ingliston Road

Newbridge

EH28 8NB

Erection of hotel development (Class 7) with ancillary restaurant /bar (Class 3 /Sui Generis) and fitness suite (Class 11), associated facilities, together with access, landscaping, parking and infrastructure.

Pre-application Consultation approved.

8 March 2022

## **Other Relevant Site History**

NONE

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Roads Authority

City Archaeologist

Edinburgh Airport

Environmental Assessment

Infrastructure, Structure and Bridges - Flood Team

Historic Environment Scotland

Scottish Water

SEPA

Waste Services

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 7 September 2022

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

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

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

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### **Assessment**

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

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

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

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

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

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

The document states that where development is proposed it is important to:

- to identify the historic assets that might be affected;
- to define the setting of each historic asset;
- and to assess the impact of any new development on this.

Consideration is given to the setting the nearby listed buildings including the Category A Ingliston House and Stables and Category B Listed Gogar Castle.

The application site is located at a sufficient distance from the listed buildings. Given the distance and scale of the proposed development on the application site, the proposal will not result in harm to the setting of the nearby listed buildings.

**Conclusion in relation to the listed building**

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

**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:

- NPF 4 Policy 1 (Climate Crisis)
- NPF 4 Policy 2 (Climate mitigation and adaptation)
- NPF 4 Policy 30 (Tourism)
- NPF 4 Policy 7 (Historical Assets)
- NPF 4 Policy 3 (Biodiversity)
- NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings)
- NPF 4 Policy 22 (Flood risk and water management)

- NPF 4 Policy 13 (Sustainable Transport)
- NPF 4 Policy 18 (Infrastructure First)
  
- LDP Del 1 (Developer Contributions)
- LDP EMP 5 (Royal Highland Centre)
- LDP EMP 10 (Hotel Development)
- LDP Des 1 (Design Quality and Context)
- LDP Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features)
  - LDP Des 4 (Development Design - Impact on Setting)
  - LDP Des 4 (Development Design - Amenity)
  - LDP Des 11 (Tall Buildings- Skyline and Keyviews)
  - LDP Des 12 (Trees)
  - LDP Env 16 (Species Protection)
  - LDP Env 21 (Flood Protection)
  - LDP Env 22 (Pollution and Air, Water and Soil Quality)
  - LDP Tra 2 (Private Car Parking)
  - LDP Tra 3 (Private Cycle Parking)
  - LDP Tra 4 (Design of Off Street Car and Cycle Parking)
  - LDP Tra 7 (Public Transport Proposals and Safeguards)

The non-statutory 'Listed Buildings and Conservation Area' guidance, Edinburgh Design Guidance (EDG) and the West Edinburgh Design Framework and its Vision for West Edinburgh are material considerations relevant when considering the above.

#### Historic Environment

The proposal's impact on the historical setting of neighbouring listed buildings is assessed above. The proposal complies with NPF 4 Policy 7.

#### Principle of Development

Consideration has been given to the proposal's relationship with existing and potential future adjacent uses, including the wider Royal Highland Show masterplan and Edinburgh Airport.

The site is covered by Policy designation (EMP 5 Royal Highland Centre) which designates the area as being part of the Royal Highland Centre. Complementing this policy, is the West Edinburgh Strategic Design Framework (WESDF). All development proposals within the RHC boundary must accord with the West Edinburgh Strategic Design Framework (WESDF). This framework seeks to ensure proposals are acceptable in terms of scale and location, accessibility by public transport, pedestrian and cyclists, traffic generation, car parking and other environmental considerations.

It is noted that the RHS Planning Permission is Principle for the wider site includes an allowance of up to 12,500m<sup>2</sup> of hotel accommodation so there is an established principle of hotel use within the designated area.

NPF 4 Policy 30 states that development proposals for new development that promote tourism in locations identified in the LDP, will be supported. These proposals for tourism related development should take into account the following:-

- The contribution made to the local economy, compatibility with the surrounding area in terms of the nature and scale of the activity and impacts of increased visitors;
- The impacts on communities, for example by hindering the provision of homes and services for local people;
- Opportunities for sustainable travel and appropriate management of parking and traffic generation and scope for sustaining public transport services particularly in rural area;
- Accessibility for disabled people;
- Measures taken to minimise carbon emissions; and
- Opportunities to provide access to the natural environment.

The proposal complies with the above criteria, being located in a designated area of the local development plan and is compatible with the surrounding locality in terms of use and scale. The proposal has been designed with sustainable travel and reducing carbon emissions in mind. The site has good public transport links to the city centre, including the airport bus link and Edinburgh Tram.

In terms of the Edinburgh Local Development Plan, LDP Policy Emp 10 (Hotel Accommodation) states that hotel development will be permitted in the boundaries of the Edinburgh Airport. In this instance, the proposed use provides a direct ancillary function to the airport by providing accommodation for arriving and departing travellers.

The West Edinburgh Design Framework and its Vision for West Edinburgh is applicable to the site. The framework establishes how new buildings should contribute towards the future aims of framework area with the following principles:

- Proposals should make efficient use of land and achieve the highest standards of sustainable design.
- Developments should aim to achieve the highest standards of architectural design and contribute to the image of Edinburgh as a modern prosperous city through creating a contemporary, high quality aesthetic.
- Buildings should take advantage of existing features and infrastructure.
- Buildings should be designed to facilitate interconnectivity and help promote active travel and public transport use.
- Built development should contribute towards the gateway experience into Edinburgh and Scotland.
- Built development should incorporate a range of supporting uses to compliment the area's core employment uses.

In this instance, the site is located within the boundary of land designated for development, which includes an allowance for hotel development as it is acknowledged hotel uses will compliment the existing RHS and Airport. The proposal provides for a contemporary purpose built building, drawing upon historical architectural features and colours from nearby historical buildings within the area. The site lies within a sustainable location, which is well served by existing transport links, including bus and tram. It should also be noted that the site sits adjacent to an identified proposed tram stop. However, there are no confirmed timescales for delivery of this facility. The applications intention is to provide a gateway development, creating a border between the greenfield land and the airport and Royal Highland Show associated developments.

The proposal therefore aligns with the principles of the West Edinburgh Design Framework.



NPF 4 Policy 9 encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposal re-uses a vacant site and as such complies with the objectives of Policy 9.

Overall, the proposed hotel use is therefore acceptable in principle and complies with NPF 4 Policy 30 and Policy 9, along with LDP Emp 5 and Emp 10 and accords with the principles of the West Edinburgh Strategic Design Framework, subject to compliance with other relevant LDP Policies addressed below.

### Design, Scale and Materials

LDP Policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area. LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing.

Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing.

The surrounding area is of mixed character which varies in style and material palette with no prominent architectural style in the area. There is a mix of modern, purpose-built buildings for aviation use, hotels, car parking facilities and residential properties. The surrounding landscape is characterised by rolling agricultural land with the International Business Gateway (IBS) located to the east.

There are a number of existing hotels located throughout the area. These vary in height up to 6 storeys, including the Moxy and Hampton by Hilton which sit at 5-6 storeys and lie to the north of the site. In this instance, the proposed eight storey building will sit higher than any existing hotel developments. This additional height is an intentional design solution to promote the hotel as a gateway development.

Local view analysis submitted in support of the application shows that the introduction of the building within the landscape will not appear as an incongruous addition to the site or wider landscape. Whilst the hotel will be visible in these views given the topography of the landscape, this will not be significant enough to be detrimental on the visual appearance and character of the landscape. As such the scale of the building is appropriate in its context and the character and appearance of area will be retained.

LDP Policy Des 11 (Tall Buildings) states planning permission will only be granted for development which rises above the building height prevailing generally in the surrounding area, where:-

- a) a landmark is to be created that enhances the skyline and justified for the proposed use;
- b) the scale of the building is appropriate in its context; and
- c) where there is no adverse impact on important views of landmark buildings, historic skyline, landscape features or setting including the Firth of the Forth.

Submitted View Analysis included long views and consideration of Key Protected views, including the Pentland Hills, the Forth Bridge, views East towards the city of Edinburgh, Arthurs Seat and towards Edinburgh Castle.

The breach of the prevailing building height is acceptable in this instance. The impact of the additional storeys on the skyline and key views have been assessed and the proposal will not adversely affect any key views, historic skyline or setting.

The proposal demonstrates a high-quality design and the suitability of the proposed layout, height, mass and scale in this prominent location. The contemporary design and material palette are appropriate for its intended use and location and intentionally draws upon architectural details from historical buildings in the area. Elevational detailing and fenestration design successfully reduces the elevational massing of the building, softening its visual impact, particularly when viewed from Glasgow Road and further south, and from the north.

Overall, the proposal will introduce a contemporary building to the site that creates an active and attractive frontage and does not adversely affect the character and appearance of the surrounding area or key views, in compliance with policies Des 1, Des 3 and Des 4, Des 11.

#### Landscaping and Natural Environment

LDP Policy Env 12 (Trees) states development will not be permitted if likely to have a damaging impact upon a tree protected by a Tree Protection Order or any other trees or woodland worthy of retention unless for good arboriculturally reasons.

In this instance, particular consideration was given to the two Scots Pine trees located at the proposed entrance to the site. These trees are described as small but distinctive and worthy of retention.

The scheme was revised slightly to ensure there would be minimal impact upon these trees. An updated Arboricultural Impact Assessment and Landscape Proposals and Planting Plan were submitted removing the paving bands as previously proposed and introducing additional tree planting to the southern boundary. The amendments to the scheme ensure the retention of the more prominent trees along Glasgow Road, as well as the two Scot Pines at the entrance to the site. The varied choice of replacement trees proposed to be planted along the roadside frontage to give a better screen/setting to the site is welcomed.

There are a number of other trees and shrubbery within the site which are not worthy of retention and their removal is acceptable.

In terms of landscaping, the proposal is appropriate to the intended purpose of the site and provides a site-specific landscape response. Overall, the proposals are in compliance with objectives of LDP Policy Env 12 and will not have a damaging impact upon any tree worthy of retention.

NPF 4 Policy 3 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Policy Env 16 (Protected

Species) relates to species protection and requires that suitable mitigation be proposed where a development proposal may impact upon a protected species.

A Bat Report and Preliminary Ecological Appraisal were submitted in support of the application. As demolition of the existing structures on site have already taken place there are no potential risks to bat nests on the site.

Overall, the proposal is unlikely to impact upon any protected species, and the supporting information accords with the LDP Policy Env 16.

### Neighbouring Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments.

The site was previously a residential site. The closest noise sensitive properties such as residential accommodation to the site lie to the west. It is noted that current background noise levels are high due to transport noise. This level of noise does decrease in the evening hours making any potential late noise entertainment noise more perceptible.

The applicant has submitted an updated Noise Impact Assessment in support of the application which has been reviewed by Environmental Protection.

The proposed roof terrace on the western elevation has the potential to result in noise to the detriment of neighbouring amenity. The applicant provided an addendum to the original noise impact assessment, which resulted in changes to the upper floors of the hotel. The main form of mitigation will be in the form of an acoustic barrier erected around the external roof-top terrace. Drawings have been amended showing the changes, with specific details on the location, materials, height, mass, design and sound reduction levels of the barriers. These changes have been accepted by Environmental Protection.

A condition is recommended in relation to the proposed plant to ensure there is no impact upon residential amenity.

Overall, Environmental Protection has raised no objection to the proposal given the amendments to the scheme and recommended conditions.

The proposal will not result in any privacy issues.

There are no daylight or overshadowing impacts as a result of this development.

Overall, the proposal is compliant with LDP Policy Des 5 and the Edinburgh Design Guidance and will not be to the detriment of neighbouring residential amenity.

### Parking and Road Safety

NPF 4 Policy 13 aims to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

LDP Transport Policies require proposed car parking levels to not exceed the maximum levels stipulated in Council's guidance. Developers are encouraged to pursue lower levels of parking, and support the inclusion and promotion of sustainable transport facilities such as cycle parking and electric vehicle infrastructure. LDP Policy Tra 3 (Private Cycle Parking) and LDP Policy Tra 4 (Design of Off-Street Car Parking and Cycle Parking) require proposed cycle and storage provision to comply with the standards set out in council guidance.

The application proposes 33 car parking spaces; 4 of which are accessible and 6 of which are electric vehicle charging spaces. The proposal also includes 24 cycle and 5 motor cycle spaces for the proposed 204 bed hotel. The cycle parking will be provided in the form of a mix of Sheffield stands at the entrance to the proposed development and a secure room within the proposed development.

The site is well serviced by public transport. There are a number of frequent local bus services from the city centre and the building will be served by an existing bus stop immediately adjacent to the site.

A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

The proposed car parking spaces for the expected occupants are considered acceptable for this location. In this instance, the provision for cycle parking is welcomed in order to promote sustainable transport to the site.

Overall the proposal is acceptable in terms of road safety and parking. The proposal complies with LDP Policy Tra 2, Tra 3 and Tra 4, and NPF 4 Policy 13.

LDP Policy Tra 12 (Edinburgh Public Safety Zones) seeks to control development within the zone, with extension being an exception to this policy. The proposal has no implications upon the defined Edinburgh Public Safety Zones.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) aims to ensure any development would not prejudice the implementation of any public transport proposals and safeguards. In this instance, the site sits immediately to the south of an identified future tram extension.

Edinburgh Trams was consulted on the proposal and have commented this development is sufficiently far enough away from the existing tram to have any significant impact on that.

In terms of the potential future extension which would run immediately adjacent to this site, but there are not plans that confirm its specific alignment and the impact of such a route. Edinburgh Trams have commented that with the future extension, it is likely a junction with Ingliston Road would need traffic signals, so its not clear how the development vehicular access would interact with those signals along with its close proximity to Glasgow Road. It is recommended that the access arrangement is reviewed to take this into consideration now to avoid abortive works in the future. However, given specific dates and plans for implementation of the tram extension have

yet to be confirmed, the proposed access arrangements are acceptable and would not prejudice the implementation of the proposals if they come forward.

LDP Del 1 require developers to compensate for any negative or additional impact (either individual or cumulative) upon infrastructure. In this instance the applicant will be required to contribute the sum of £149,937 (based on 204 bed hotel) to West Edinburgh Transport Appraisal actions set out in the Edinburgh Local Development Plan Action Programme, December 2021.

A Section 75 legal agreement will be required to secure these funds. Further details are provided within the attached informatives.

Overall, the proposal is acceptable in terms of safety, parking provision and infrastructure and in compliance with NPF 4 Policy 13 and LDP policies Tra 2, Tra 3 and Tra 4., along with Tra 7 and 12.

Subject to a legal agreement to secure the necessary contributions, the proposal will comply with NPF 4 Policy 18 and LDP Del 1.

### Air Quality

NPF 4 Policy 2 requires development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. LDP Policy Env 22 (Air Quality) aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

Environmental Protection were consulted on the proposal and have commented with regards to the potential impact upon air quality. Whilst not located within, the site is located adjacent to an identified Air Quality Management Area (AQMA) for traffic related pollution. As such vehicles travelling to and from the hotel are likely to travel through the AQMA when accessing and egressing the hotel.

For a 204 bedroom hotel the car parking allocation of 33 is reasonable, but environmental protection have raised concern with the number of proposed EV charging infrastructure given the sites location to the AQMA. As such, a conditions are recommended to further minimise the impact of the development on air quality.

Overall, the proposal will not have a detrimental impact upon air quality in the locality, and the recommended conditions will ensure any impact is minimised. Subject to the recommended condition, the proposal complies with NPF4 Policy 2 and LDP Policy 22.

### Flood Risk and Water Surface Management

NPF 4 Policy 22 aims to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudice to existing or planned flood defence systems.

Overall, the Council's Flood Prevention Team is satisfied with the proposal and raises no objection, subject to condition being attached requiring a survey of the culvert at Eastfield Road be undertaken to confirm whether additional mitigation or maintenance and repairs are needed to enable the proposed surface water discharge to the culvert. This survey is required to be concluded prior to the commencement of development on site.

SEPA were consulted on the proposals and were satisfied that matters of flood risk prevention and water surface management could be addressed by the Local Authority.

Overall, the proposal has been designed to mitigate potential flood risk and subject to the attached conditions accords with NPF 4 Policy 22 and LDP Policy Env 21.

### Other Material Considerations

#### *Archaeology*

LDP Policy ENV 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains.

A condition is recommended in order to protect any potential historical remains.

#### *Aerodrome safety*

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. Edinburgh Airport was consulted on the proposal and conditions are recommended to ensure there are no conflicts with aerodrome safety, as well as informatives.

#### *Waste*

An informative is attached with respect to waste collection and refuse.

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

The proposed development complies with the provisions of NPF 4 and the LDP.

#### **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.

The West Edinburgh Strategy for Sustainable and Inclusive Growth (WE-SSIG) is currently at the Phase 2 Consultation stage.

In the emerging WE-SSIG the site sits within a central corridor, noted as a spine of commerce, aviation and industry linking the city West Edinburgh and beyond, and advocating mixed use development connecting existing and new communities.

### 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 have been received in relation to the proposal.

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

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

### **Overall conclusion**

The site is a suitable sustainable location for the proposed development and the use is compatible with the character of the locality. The proposal is considered to provide due regard to global climate and nature crisis and will not result in an unreasonable loss of neighbouring residential amenity.

The proposed development is in accordance with NPF 4 and the Edinburgh Local Development Plan. The proposals align with the objectives of the West Edinburgh Strategic Design Framework (WESDF).

The proposal is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and will not harm the setting of nearby listed buildings.

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

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

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

3. A minimum of six parking spaces shall be served by 7Kw (32amp) Type 2 electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied.

4. At least one Rapid charger shall be installed and operational prior to occupation. The rapid charger shall be of the following minimal output - 70 or 50kW (100 Amp) DC with 43kW (63 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 connectors, the AC supply by a 62196-2 connector. Must have the ability to be de-rated to supply 25kW to the AC and either of the DC outlets simultaneously.

5. The following noise protection measures to the proposed hotel, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (R-9146A-NS-RGM), dated 10 December 2021 and shall be carried out in full and completed prior to the development being occupied.

- Glazed rooftop 1800mm high acoustic barrier as detailed in drawing numbers EMH-HLM-01-07-DR-A-00171, EHM-HLM-01-ZZ-DR-A-00324 & EHM-HLM-01-ZZ-DR-A-00325; and

- Glazing units with a minimum insulation value of 37dB with a minimum 4/12/6.4mm double glazing being installed for the external glazing to the hotel bedrooms. Acoustic trickle ventilation providing  $D_{n,e,w}$  37 dB when in the open position shall be installed to all facades.

6. Prior to the use being taken up, the extract flue and ventilation system serving the commercial kitchen shall be capable of 30 air changes per hour in the kitchen area and discharge at roof top level.

7. No development shall take place until full details of the solar PV scheme including a Glint & Glare Assessment have been submitted to and approved in writing by the Local Planning Authority. This must be conducted by a competent body. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.



8. Submission of a Bird Hazard Management Plan Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow/green roofs on buildings or solar panel structures within the development site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

9. 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.

10. 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.

11. Prior to commencement of development, the applicant shall conduct a survey of the culvert at Eastfield Road to confirm whether additional mitigation or maintenance and repairs are needed to enable the proposed surface water discharge to the culvert. If additional mitigation or maintenance and repairs is required by the findings, these measures shall be approved by the Planning Authority and implemented accordingly.

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

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

2. In the interests of amenity and public safety.

3. In order to mitigate the impact of traffic generated pollution on air quality.

4. In order to mitigate the impacts of generated traffic upon air quality.

5. In the interests of protecting amenity.
6. In the interests of amenity.
7. To ensure the development does not endanger the safe movement of aircraft or the operation of Edinburgh Airport through interference with communication, navigational aids and surveillance equipment and glare issues.
8. 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.
9. In the interests of aviation safety.
10. In order to safeguard the interests of archaeological heritage.
11. In the interests of water management and flood risk
12. In order to enable the planning authority to consider this/these matter/s in detail.

## 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. Developer Contributions and Legal Agreement Informative

The applicant will be required to contribute the sum of £149,937 (based on 204 bed hotel) to West Edinburgh Transport Appraisal actions set out in the Edinburgh Local Development Plan Action Programme, December 2021.

A8 eastbound bus lane from 'Dumbbells' to Maybury junction	£7,923
Bus Lane under Gogar roundabout	£198
Improved bus priority linking SW Edinburgh with Gyle/IBG/Airport (inc. ped/cycle facilities where appropriate)	£13,824
Upgrade Bus Interchange facility at Ingliston P+R	£9,257
Development Link Road main street carriageway	£17,387
Dualling of Eastfield Road ('Dumbbells' to IBG) Phase 1	£5,563
Dualling of Eastfield Road (IBG new access into Airport to inc. priority bus) Phase 2	£3,527
'Dumbbells' roundabout improvement	£3,712
'Dumbbells' westbound off slip signals	£2,670

Newbridge additional lane from M9 to A8	£1,794	
A8 Gogar roundabout - four lane Northern Circulatory Improvements		£5,243
Gogar to Maybury additional eastbound traffic lane	£64,282	
Total	£149,937	

Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

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.

#### 4. *Environmental Protection Informative*

a) The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.

b) All remaining parking spaces shall be served by a minimum 3 Kw (16-amp three pin plug) with an optional upgrade to 7Kw (32amp) Type 2 electric vehicle charging sockets. These should be installed and operational in full prior to the development being occupied.

c) It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

#### 5. *Roads Informatives*

Occupation of the proposed development is not permitted prior to the satisfactory construction of the proposed footway on the east side of Ingliston Road. Road construction consent and road opening permits will be required under separate application.

The applicant should provide electric charging spaces for Blue Badge holders.

The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

#### 6. *Scottish Water Informatives*

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in the Marchbank Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

#### Waste Water Capacity Assessment

There is currently sufficient capacity for a foul only connection in the Newbridge PFI Waste Water Treatment works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The nearest public sewer is approx. 800m from the proposed site. Early engagement with Scottish Water through the Pre-Development Enquiry process is recommended.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

The developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request.

All proposed developments require to submit a Pre-Development Enquiry (PDE)

Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

#### Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

### *7. Waste Services Informative*

The City of Edinburgh Council do not provide a waste collection service for commercial properties the developer will need to source a private waste collection provider.

More information on this is available here:

[http://www.edinburgh.gov.uk/info/20001/bins\\_and\\_recycling/1518/trade\\_waste](http://www.edinburgh.gov.uk/info/20001/bins_and_recycling/1518/trade_waste)

Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities. This area would be required has to be separate from any domestic waste storage for the area.

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

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

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

**Date Registered: 2 September 2022**

### **Drawing Numbers/Scheme**

01-04, 05A, 06, 07A-08A, 09,10A, 11-12

Scheme 1

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

Contact: Sonia Macdonald, Planning Officer  
E-mail:[sonia.macdonald@edinburgh.gov.uk](mailto:sonia.macdonald@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Roads Authority

COMMENT: No objections subject to the recommended informatives and conditions.

DATE: 24 March 2023

NAME: City Archaeologist

COMMENT: No objections subject to the recommended condition.

DATE: 21 September 2022

NAME: Edinburgh Airport

COMMENT: No objection subject to recommended conditions and informatives.

DATE: 10 October 2022

NAME: Environmental Assessment

COMMENT: No objections subject to the recommended conditions and informatives.

DATE: 17 April 2023

NAME: Infrastructure, Structure and Bridges - Flood Team

COMMENT: No objections subject to recommended condition.

DATE: 20 April 2023

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 17 April 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. Informatives attached.

DATE: 17 April 2023

NAME: SEPA

COMMENT: No comment. matters of flood risk and water management to be addressed by Local Authority.

DATE: 17 April 2023

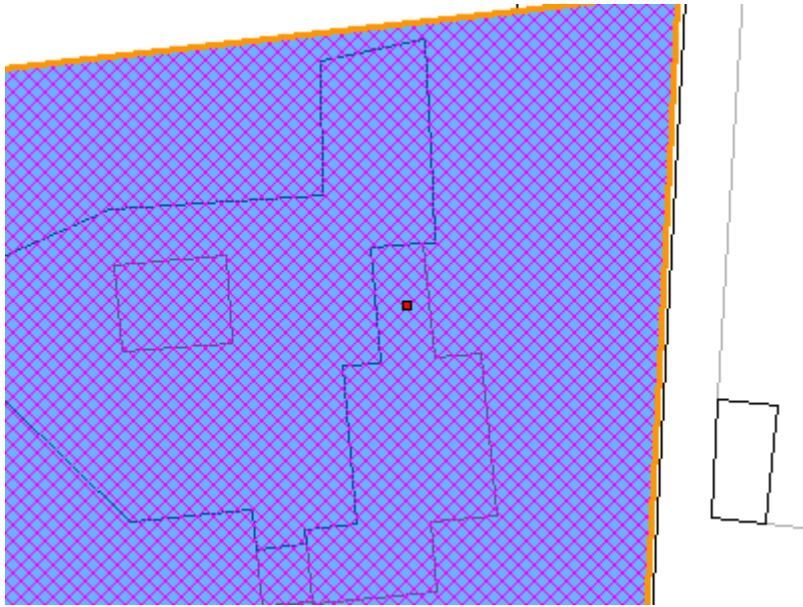
NAME: Waste Services

COMMENT: No objection, informatives attached.

DATE: 20 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 Report

**Wednesday 10 May 2023**

**Application for Planning Permission  
272 Portobello High Street, Edinburgh, EH15 2AT**

**Proposal: Alter hours of operation from 8am to 10pm to 8am to 11pm  
7 days a week.**

**Item – Committee Decision  
Application Number – 23/00131/FUL  
Ward – B17 - Portobello/Craigmillar**

### **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 letters of 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 is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, the proposal would be contrary to the relevant Local Development Plan (LDP) policy, as it would have a materially detrimental effect on the living conditions of nearby residents through the increase in late night noise. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a ground floor unit within a two-storey building from the later 19th century. The unit is in use as a café (class 3). The property is located on Portobello High Street, a busy thoroughfare within a commercial centre.

It is a category C listed building, listed on 4 July 1985, LB ref. 27495.

The site is located within the Portobello Conservation Area.

## **Description of the Proposal**

This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 to modify hours of operation approved in planning permission 21/00108/FUL from 8am-10pm to 8am-11pm 7 days a week.

## **Supporting Information**

- Planning Statement

## **Relevant Site History**

21/00108/FUL

272 Portobello High Street

Edinburgh

EH15 2AT

S42 application to vary condition of original consent (336/87) approved 1988 to alter hours of operation of restaurant from 8am - 8pm for 7 days to 8am - 10pm for 7 days.

Granted

10 March 2021

22/04208/FUL

272 Portobello High Street

Edinburgh

EH15 2AT

Alter hours of operation approved in planning permission 21/00108/FUL from 8am-10pm to 8am-12am 7 days a week.

withdrawn

10 January 2023

## **Other Relevant Site History**

No other relevant site history.

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Environmental Protection

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 18 January 2023

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

**Press Publication Date(s):** 27 January 2023

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

**Number of Contributors:** 15

## Section B - Assessment

### Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### Assessment

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

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

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

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

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

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

The document states that where development is proposed it is important to:

- identify the historic assets that might be affected.
- define the setting of each historic asset; and
- assess the impact of any new development on this.

There are no structural alterations proposed so there will be no impact on the listed building and its setting.

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

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

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

The Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

No internal or external physical changes are proposed. Therefore, there will be no adverse impact on the character or appearance of the conservation area.

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

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

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

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places Policy 1
- NPF4 Sustainable Places Policy 7
- NPF4 Productive Places Policy 27
- LDP Housing Policy Hou 7

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

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7.

#### Listed Building

The impact on the listed building and its setting has been addressed in section a) above. It is concluded that the proposal will not harm the listed building and its setting and therefore complies with NPF4 Policy 7.

#### Conservation Area

The impact on the character and appearance of the conservation area has been addressed in section b) above. It is concluded that the proposal will not adversely impact on the character or appearance of the conservation area and therefore complies with NPF4 Policy 7.

#### Principle

A residential property is situated above the application premises, and commercial premises are located to the east with a residential stair to the west. Residential properties are also situated to the north and on the upper floor of the building to the north-west.

Portobello High Street is a main thoroughfare, where ambient noise is influenced by a relatively high level of vehicular and pedestrian traffic. Whilst daytime noise levels are high, and noise from individuals or businesses can be obscured or concealed, the background road and street noise drop in the evening and night-time hours. This reduction in noise levels becomes more pronounced as it gets later into the evening.

Whilst there are some late-night operations, road and street noise begins to quieten into the evening and night-time hours. By increasing the hours of operation to 11pm, when ambient noise levels are low, the proposal would have the potential to introduce relatively high levels of audible disruption, with patrons leaving the premises and exiting onto the pavement, in close proximity to residential properties. This change in hours would have the potential to impact considerably on the amenity of nearby residents.

The majority of the properties within this part of Portobello High Street close significantly earlier than this unit.

Environmental Protection was consulted and could not support the increase in opening hours, as this is likely to cause increased disturbance to neighbours and reduce residential amenity. That service has concluded that existing noise levels would not mask any additional noise stemming from the application premises between 10pm and 11pm. Moreover, any noise from the front road would not provide any masking effect to the rear of the property where operational noise from the kitchen is more evident.

Whilst an increase in opening hours would be broadly compliant with NPF4 Policy 27, in that it could support the vitality and viability of the area, the failure to comply with the amenity aspects of this policy through the increase in late night noise outweighs any benefits that the increase in hours could bring.

The noise and disruption caused by the extension of the hours of operation would adversely affect the living conditions of nearby residents. The proposal does not comply with LDP Policy Hou 7.

The proposal has a neutral impact in terms of NPF4 Policy 1.

#### Road Safety and Parking Standards

There is unrestricted on-street parking on this part of Portobello High Street. The street is served by public transport and on-street parking is available in the neighbouring streets. There are no concerns in relation to road safety.

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

The proposal is contrary to LDP Policy Hou 7 as it would have a materially detrimental effect on the living conditions of nearby residents.

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

The following material planning considerations have been identified:

#### Equalities and human rights

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

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

#### City plan

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

## Public representations

A total of 15 representations have been made including one general comment, one objection and 13 letters of support. It should be noted that four of the letters of support were non-material or included no considerations.

A summary of the representations is provided below:

### *material objections*

- Negative impact on residential amenity; This has been addressed above in c).
- Noise and odour penetration to above properties; This has been addressed above in c).
- Contrary to LDP Policy Hou 7; This has been addressed above in c).

### *material support comments*

- Supports local businesses and community; This has been addressed above in c).
- Not inconsistent with other licenses for operating hours; This has been addressed above in c).
- Excellent addition to the high street; This has been addressed above in c).

### *non-material comments*

- Great restaurant and owners exceptionally caring with their clients; This is not a material planning consideration.
- Three of the support comments do not include any considerations.
- Excellent food and friendly staff; This is not a material planning consideration.

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

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

## **Overall conclusion**

The proposal is acceptable with regards to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. However, the proposal would be contrary to Local Development Plan (LDP) Policy Hou 7 as it would have a materially detrimental effect on the living conditions of nearby residents through the increase in late night noise. There are no material considerations that outweigh this conclusion.

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

The recommendation is subject to the following.

### **Conditions**

## Reasons

### Reason for Refusal: -

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would have a materially detrimental effect on the living conditions of nearby residents through the increase in late night noise.

## Informatives

### Background Reading/External References

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

### Further Information - Local Development Plan

**Date Registered: 13 January 2023**

### Drawing Numbers/Scheme

01-02

Scheme 1

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

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



## Appendix 1

### Summary of Consultation Responses

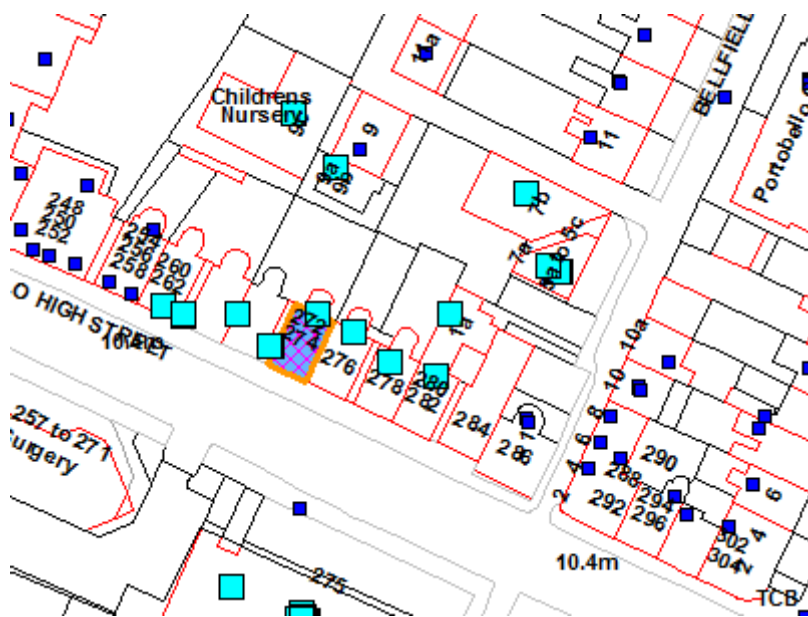
NAME: Environmental Protection

COMMENT: Environmental Protection raises significant concerns relating to the proposed development and recommends it be refused.

DATE:

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

**Application for Planning Permission  
16 Ravelston Dykes Road, Edinburgh, EH4 3PB.**

**Proposal: Demolition/replacement of existing house.**

**Item – Committee Decision  
Application Number – 22/04322/FUL  
Ward – B05 - Inverleith**

### **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 16 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 application for development is acceptable in relation to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would not have an unacceptable impact on the character of the area or on neighbouring residential amenity. There are no material planning considerations which outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is the curtilage of 16 Ravelston Dykes Road, Edinburgh. It is a residential property, located on the north side of Ravelston Dykes Road. The site is spacious, with a number of mature trees and large areas of soft landscaping. The site slopes down from south to north and has residential properties bounding it on the north, east and west sides. Ravelston Golf Course is located to the south.

## **Description of the Proposal**

It is proposed to demolish the existing house and erect a replacement house. The new building would be created in a contemporary style, with a mixture of single pitched and flat roofs. It would use a varied palette of materials, including walls formed of random rubble stone, polished concrete and stained timber. It would be two storeys in height and would step down to the north, using the contours of the site as part of the design.

## **Supporting Information**

Flood Risk Assessment  
Asbestos Survey  
SUDS Assessment  
Design and Access Statement  
Structural Survey  
Tree Survey

## **Relevant Site History**

21/02551/FUL  
16 Ravelston Dykes Road  
Edinburgh  
EH4 3PB  
Demolition and replacement of existing house.  
withdrawn  
21 June 2022

## **Other Relevant Site History**

No other relevant site history.

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Flood Prevention

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 12 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:** 19

## Section B - Assessment

### Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### Assessment

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

#### a) The proposals comply with the development plan?

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

- LDP Design Policies 1, 4, 5 and 12
- LDP Housing Policies Hou 1, Hou 3, Hou 4 and Hou 7
- LDP Environment Policy Env 12
- NPF 4 Sustainable Places Policies 1, 2, 3, 4 and 6
- NPF 4 Liveable Places Policy 22

### Principle

The site is an existing residential use, and the principle of housing is established.

The proposal complies with LDP Policy Hou 1, subject to compliance with other relevant policies.

## Design

The existing structure sits within the northern portion of the site, some distance from the access road. Its form and the sloping nature of the site results in a relatively unobtrusive building, when viewed from the lane. However, whilst including some historical elements, it is of an overall poor quality, and has been subject to unsympathetic alterations and extensions. It has resulted in a building of low design, that adds little to the visual character of the area.

The proposed building would sit closer to the lane and would be a more obvious addition when viewed from that road. However, there would still be a significant area of garden ground to the front, providing an appropriate relationship between the building and its curtilage when viewed from the lane. There would be a large area of private garden space to the north. Whilst the development would have a large footprint, the size of the plot would accommodate such a building. It would not create a development that would be significantly different in terms of ratio between buildings and open space from many of its neighbours and it would reflect the broad spatial pattern of built development within the area.

It would create two distinct accommodation areas, linked by a central courtyard. The proposed design is innovative and contemporary, and it would create a visually stimulating building. The use of a broad palette of finishing materials would complement and embrace the design, providing a building of high-quality appearance. The proposal would use the site's contours to create a striking development, which would avoid an over-dominant or oppressive form.

Whilst the new development would be significantly larger than the existing property, the combination of the design, its positioning and size of the plot would ensure that the building would not dominate its curtilage or its surroundings.

The proposal would comply with NPF4 Policies 14, 16 and LDP Policies Des 1, Des 4, Hou 3 and Hou 4.

## Neighbouring Amenity/Amenity for Future Occupiers

The proposed western-facing terrace would be situated approximately 8.6m from the boundary. This would represent a very minor departure from the Edinburgh Design Guidance and would not be a reason for refusal. In addition, additional planting may be implemented as part of the conditioned landscaping scheme to provide additional screening. Taking this into consideration, the proposal would not have an unacceptable impact in terms of privacy.

The proposal would have no adverse effect on daylight or sunlight levels enjoyed by neighbouring properties.

The proposed dwelling would provide a high-quality development for future occupiers. It would exceed the criteria within the Edinburgh Design Guidance in relation to internal space and external amenity space.

This complies with NPF4 Policy 14 and LDP Policies Des 5 and Hou 3.

## Trees and Biodiversity

The site has a number of trees on it, two of which are subject to a tree preservation order. The remaining trees, bushes and undergrowth have no protection under planning legislation and could be removed without the need for permission from the Council, as planning authority. Whilst an indicative landscaping scheme has been supported by the applicant, given the nature and size of the plot, it would be necessary to require details to be submitted for further consideration. The agreement of a planting scheme, and its implementation, would be subject to a suspensive condition.

Notwithstanding the above statutory position, it is desirable to protect the trees that are not identified for removal, and this will be subject to a condition.

The proposal complies with NPF4 Policy 6 and LDP Policy Env 12.

## Flooding

A flood risk assessment and SUDS report were submitted with the application. The proposal was assessed by the Council's Flood Prevention Team and no concerns were raised by that team.

The proposal is in compliance with NPF 4 Policy 22 and LDP Policies Env 21 and Des 7.

## Sustainability

The existing building has been empty for some years, it is showing signs of decay and it would require significant measures to bring it to a habitable condition. The proposed development would embrace modern energy standards and would form a more sustainable living accommodation for future occupiers than the existing building. Whilst it is recognised that the new development would require the use of resources in its construction, on balance, the proposal would not have an unacceptable effect on the need to provide sustainable developments.

The proposal accords with NPF 4 Policies 1 and 2.

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

The proposal would introduce a dwelling house of high architectural quality, providing future occupants with an excellent level of amenity. The development would respect the character of the site and the surrounding area. Whilst the building would be considerable in scale, it would avoid creating an over-dominant building through the use of the site's contours to inform the design. It would not have an unacceptable effect on protected trees and the implementation of the landscaping scheme would contribute the appearance of the immediate vicinity. The proposal would represent an acceptable minor departure from the non-statutory Guidance for Householders in terms of privacy.

### **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

Nineteen public represents were received (16 in objection and 3 in support).

A summary of the objecting representations are provided below:

#### *material considerations*

- Impact on trees and wildlife - this is assessed in section a) above;
- Inappropriate design - this is assessed in section a) above;
- Impact on neighbouring amenity - this is assessed in section a) above; and
- Loss of historic building - this is assessed in section a) above.

#### *non-material considerations*

None

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

The issues raised in the representations have been fully addressed in the report of handling.

### **Overall conclusion**

The application for development is acceptable in relation to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan. The proposal would not have an unacceptable impact on the character of the area or on neighbouring residential amenity. There are no material planning considerations which outweigh this conclusion.



## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
  2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
  3. All works to trees shall be in accordance with the recommendations set out in the Arboricultural Survey, prepared by AV Arboriculture.
- 
1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
  2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
  3. In order to safeguard protected trees.

### 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: 29 August 2022**

**Drawing Numbers/Scheme**

01-09

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer  
E-mail: [conor.macgreevy@edinburgh.gov.uk](mailto:conor.macgreevy@edinburgh.gov.uk)

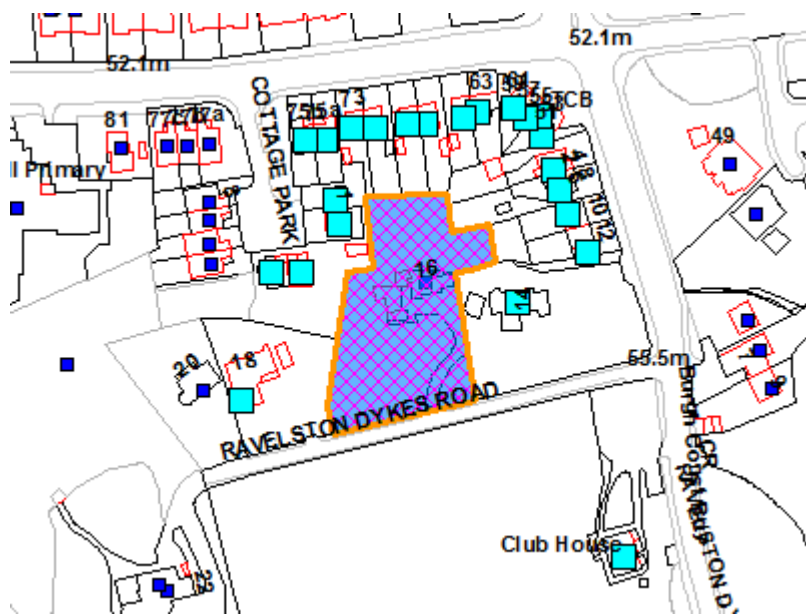
Appendix 1

**Summary of Consultation Responses**

NAME: Flood Prevention  
COMMENT: No comments.  
DATE: 24 February 2023

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

**Location Plan**



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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

**Application for Planning Permission  
67 St Leonard's Street, Edinburgh, EH8 9QR**

**Proposal: Change of use from Class 2 stationery /printshop to Class 3 hot-food takeaway.**

**Item – Committee Decision  
Application Number – 22/05923/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 objections and the recommendation is to grant planning permission.

### **Recommendation**

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

### **Summary**

The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan, and the relevant non-statutory guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site is a ground floor premises within a four-storey tenement building. It is located at the end of a cluster of commercial uses on St Leonard's Street.

The site is located within the Southside Conservation Area.

## **Description of the Proposal**

The application proposes change of use from Class 2 stationery /printshop to Class 3 hot-food takeaway. This includes the installation of ventilation extract ducts running up the rear elevation. The two ducts will have a diameter of 150mm and will be black to resemble existing pipes. The rear window will also be replaced with a fire rated door.

## **Supporting Information**

- Noise Impact Assessment
- Site photographs

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

## **Relevant Site History**

No relevant site history.

## **Other Relevant Site History**

No other relevant site planning history.

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Environmental Protection

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 8 December 2022

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

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

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

**Number of Contributors:** 69

## **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 which states:

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

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

- *Managing Change - Conservation Areas*

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

The proposed changes represent minor alterations to the building. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance of the conservation area.

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

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

### **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 Climate and Nature Crises Policy 1
- NPF4 Historic Assets and Places Policy 7
- NPF4 Design, Quality and Place Policy 14
- LDP Design Policies Des 1 and Des 12
- LDP Retail Policy Ret 11
- LDP Housing Policy Hou 7

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

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

### Conservation Area

The impact on the character and appearance of the conservation area has been addressed in section a) above. It is concluded that the proposal will not adversely impact on the character or appearance of the conservation area and therefore complies with NPF4 Policy 7.

### Proposed Use

The proposal is for a class three hot food takeaway and is assessed as a mixed use. The proposed floor plans include the provision of seating in the front area of the premises.

The application site occupies the ground floor premises of a four-storey tenement building with residential properties directly above. The premises have an established commercial use and sit within an existing cluster of commercial activity. The site is not identified as being within the area of restriction for class three premises and there is not an excessive concentration of such uses to the detriment of living conditions for nearby residents.



The proposed class three hot food takeaway is acceptable in this location subject to amenity considerations which are assessed below.

The proposal has a neutral impact in terms of NPF4 Policy 1 and complies with LDP Policy Ret 11 Food and Drink Establishments.

### Scale, Form and Design

The external alterations proposed are to the rear and include the installation of ventilation extract ducts running up the rear elevation. These make up part of the character of the immediate vicinity. The two ducts will have a diameter of 150mm and will be black to resemble existing pipes. The rear window will also be replaced with a fire rated door.

The proposal complies with NPF4 Policy 14 and LDP Policies Des 1 Design Quality and Context and Des 12 Alterations and Extensions.

### Amenity

The site lies out with the area of restriction for hot food takeaways as defined within the Council's Guidance for Businesses and within a cluster of existing commercial uses. The Guidance supports hot food takeaways within such areas provided it will not lead to an unacceptable increase in disturbance, on-street activity, or antisocial behaviour to the detriment of the living conditions of nearby residents.

There are residential properties above the application site, however, it is not considered that there will be an unacceptable increase in noise, disturbance, on-street activity, or anti-social behaviour to the detriment of living conditions for nearby residents. The area is mixed in character and the premises will only open until 10.30pm. Traffic noise already exists to the east of the building façade which is likely to provide some masking of any noise.

A Noise Impact Assessment (NIA) was provided, and Environmental Protection raise no objections with regard to amenity, subject to conditions. The NIA advises that the fan/ventilation will be within acceptable noise levels (based on noise and vibration mitigation/attenuation measures being installed at the fan and flue). A condition has been attached to that effect.

The proposals will not detrimentally impact upon residential amenity and the proposals comply with the requirements of LDP Policy Hou 7.

### Parking and Road Safety

The street is served by public transport and on street parking is available in the neighbouring streets. There are no concerns in relation to road safety.

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

The proposal complies with the relevant policies within NPF4 and the LDP and are in accordance with the relevant non-statutory guidance.

### **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

69 representations have been received including 35 objections and 34 letters of support. It should also be noted that 18 of the support comments do not include any considerations.

A summary of the representations is provided below:

#### *material objections*

- Noise disturbance: This has been addressed above in b).
- Contrary to LDP Policy Hou 7; This has been addressed above in b).
- Impact on shared garden by installing doors to the rear; This has been addressed above in b).
- Safety of residents; This has been addressed above in b).
- Impact on traffic and parking; This has been addressed above in b).
- Accumulation of takeaways/restaurants; This has been addressed above in b).
- Fumes from extractor fan; This has been addressed above in b).
- Anti-social behaviour: This has been addressed above in b).
- Impact of extract on Conservation Area; This has been addressed above in a).
- Increased waste levels: A waste strategy should be agreed between applicant and CEC's Waste Services.

#### *non-material objections*

- Difficult to get insurance and mortgages; This is a commercial consideration not covered by planning policy.
- Drainage blockage issues and fire risk; This is not a material planning consideration and is controlled by building standards.
- Impact on health of nearby residents; This is a public health issue and not a material planning consideration.
-

### *material letters of support*

- Good use of premises.
- Supports small businesses.
- Takeaway needed in this street.
- Generates employment for wider community.
- Variety of food options.

### *non-material letters of support*

- 18 of the letters of support included no considerations.

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

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

### **Overall conclusion**

The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the relevant policies contained within National Planning Framework 4, the Edinburgh Local Development Plan, and the relevant non-statutory guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

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

The recommendation is subject to the following.

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The noise mitigation/attenuation measures recommended within the Ellendale Environmental noise impact assessment referenced 67 St Leonard's Street, Edinburgh for planning application 22/05923/FUL and updated 27/02/23 shall be installed and operational prior to start of operations on site.
3. The ventilation proposals as shown in drawing "DWG Ref: PR.EL.GRPR 03 Proposed Elevations - REV A / A2" and dated 28/02/22 and drawing "DWG Ref: PR.FP.GRPR 02 - Proposed Floor Plan - REV A /A2" and dated 28/02/22 shall be installed and operational prior to start of operations on site

## Reasons

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

## 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: 7 December 2022**

## Drawing Numbers/Scheme

01, 02, 03A, 04A

Scheme 2

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

Contact: Stephanie Fraser, Assistant Planning Officer  
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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

### **Application for Planning Permission**

**1F 4 Thistle Street North West Lane, Edinburgh, EH2 1EA.**

**Proposal: Alterations and change use from a vacant art gallery to short-term residential letting with main door access (as amended).**

### **Item – Local Delegated Decision**

**Application Number – 22/04924/FUL**

**Ward – B11 - City Centre**

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

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

### **Recommendation**

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

### **Summary**

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

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the Local Development Plan (LDP). The proposal complies with the provisions of the Development Plan.

## SECTION A – Application Background

### Site Description

The application site is a two-storey mews style property at 1F4 Thistle Street North West Lane. The property is a vacant art gallery which has its own main door access off Thistle Street North West Lane. A set of steps leads up to the property on the first floor. The immediate area has a mix of uses.

This property is a Statutory B Listed Building (LB29014, dated 24.03.66)

The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

### Description of the Proposal

The application is for a change of use from a vacant art gallery to short term let (STL). The proposal is to create a first-floor studio flat by adding a shower room and a kitchen and removing bars to windows on the front elevation. The property has listed building consent to undertake external and internal alterations (22/04925/LBC).

Scheme 2. The original proposal was for a roof extension to enable formation of a duplex level apartment. This element has been removed from the proposal.

### Supporting Information

Planning Statement  
National Planning Framework 4 Planning Statement.

### Relevant Site History

10/02223/FUL  
1F 4 Thistle Street North West Lane  
Edinburgh  
EH2 1EA  
Partial change of use to provide new gallery events space and office accommodation  
Granted  
3 June 2011

22/04925/LBC  
1F 4 Thistle Street North West Lane  
Edinburgh  
EH2 1EA  
Alteration and change use from a vacant art gallery to short-term residential letting with main door access (as amended).  
Granted  
30 January 2023



## Other Relevant Site History

No other relevant planning site history.

## Pre-Application process

There is no pre-application process history.

## Consultation Engagement

No consultations undertaken.

## Publicity and Public Engagement

**Date of Neighbour Notification:** 10 October 2022

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

**Press Publication Date(s):** 14 October 2022

**Site Notices Date(s):** 11 October 2022

**Number of Contributors:** 3

## 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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

#### **Setting of Listed Buildings**

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

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

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

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

The document states that where development is proposed it is important to:

- *" identify the historic assets that might be affected;*
- *define the setting of each historic asset and*
- *assess the impact of any new development on this"*.

To enable the delivery of the short term let use, the proposal includes the addition of a shower room and a kitchen (internal) and the removal of all bars to windows on the front elevation (external). These proposals 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 harms neither the listed building or its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

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

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

The proposed external changes at the property are detailed above. The impact on the appearance of the conservation area is acceptable. In terms of the character of the conservation area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area of mixed use. The proposal will not have a negative impact on the character of the conservation area.

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

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

### **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 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' (2023) is a material consideration that is relevant when considering change of use applications.

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

The proposed external and internal works to the property are acceptable and there will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

### Proposed Use

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

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

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

The non-statutory Guidance for Businesses (2023) 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.

### *Amenity*

The applicant has provided a planning statement listing the criteria which confirms that the proposed STL use will cause no harm to the neighbouring amenity. These are:- no residential use in the building, private entrance, no shared external amenity areas, small studio apartment and high ambient noise levels.

The application property has its own main door access and there is no garden ground to the front and rear. The character of Thistle Street North West Lane, although in the heart of the city centre is relatively quiet. The main uses in the lane are rear accesses for retail units and restaurants on Thistle Street, garages and offices. All surrounding uses are commercial, and the ground floor of the application property is vacant. Commercial uses have the potential to attract a lot of delivery vans throughout the day therefore ambient noise levels can be high at times. The nearest residential properties to the application site are flats within the main building of 25 Thistle Street. These flats take their access of Thistle Street, and their windows are higher than the application property. Consequently, introducing an STL use in this part of North West Thistle Street Lane would not have a materially detrimental impact on the living conditions of nearby residents. The proposal is also introducing a use for a vacant property in the centre of the city. The STL use is acceptable with regards to neighbouring amenity and the character of the area.

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

### *Loss of residential accommodation*

The planning statement describes the commercial character of the surrounding area and confirms there will be no loss of residential accommodation as the application property has never been used for residential purposes. It has always been in commercial use most recently as an art gallery.

The application property has never been used for residential purposes therefore there is no loss of residential accommodation. Consequently, the proposal complies with NPF 4 30(e) part (ii).

## Parking Standards

There is no off street car parking available within the site however there is a limited amount of metered on street parking available nearby. The site is highly accessible by public transport. There is no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with LDP Policies Tra 2 and Tra 3.

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

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the LDP. The proposal complies with the provisions of the Development Plan.

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

#### Public representations

A summary of the representations is provided below:

##### *material objection*

- the additional storey with box dormer on front elevation is not in keeping with character of the area. The application has been amended to remove this element.

##### *material support*

- utilising long term vacant property for visitor accommodation. Addressed in c) above.
- will support local economy. Addressed in c) above.

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

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

### **Overall conclusion**

The proposal is acceptable with regard to 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 proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) parts(i) and (ii).

The application site is situated in the Urban Area as defined in the LDP. The proposal complies with the provisions of the Development Plan.

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

The recommendation is subject to the following;

### **Conditions**

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

### **Reasons**

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

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

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

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

**Date Registered: 10 October 2022**

### **Drawing Numbers/Scheme**

01,02,03B

Scheme 2

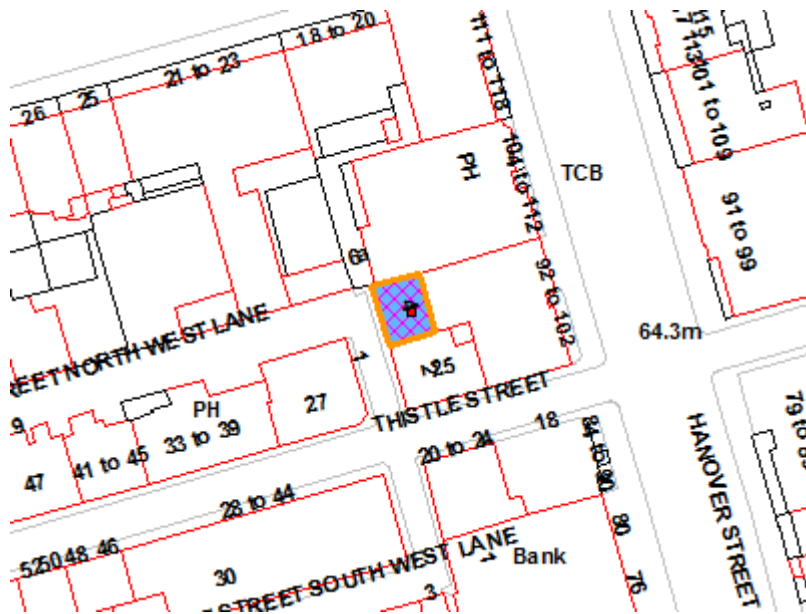
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Lesley Porteous, Planning Officer  
E-mail:lesley.porteous@edinburgh.gov.uk

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 10 May 2023**

**Application for Planning Permission  
27 & 29 Beaverhall Road, Edinburgh, EH7 4JE.**

**Proposal: Demolition of existing buildings and erection of mixed-use development comprising residential and other commercial uses, with associated private amenity and open space, landscaping/public realm, car parking, access arrangements, and associated infrastructure (205 units) (as amended).**

**Item – Committee Decision  
Application Number – 22/01654/FUL  
Ward – B12 - Leith Walk**

### **Report Returning to Committee**

This application was granted at the Development Management Sub-Committee on 9 November 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, 3, 7, 9, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 25 and 31 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 16 part c) supports the development of new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, including through build-to-rent. Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. The development proposal is for the reuse of an existing developed site to provide homes and commercial spaces. The proposed scheme 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.

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 proposal included a Cultural Heritage Desk Based Assessment which confirmed that the site is not constrained by cultural heritage interests for the purposes of development. The Archaeology consultation confirmed that the site is considered to have a low archaeological potential and due to redevelopment over the 19th century and the 20th century development on the site is considered that the potential for significant remains surviving on site is low. A watching brief condition is recommended. The proposal complies with policy 7.

### Local Living, Quality Homes and Infrastructure

In line with Policy 12, details of waste bins and a waste strategy were provided by the applicant. Responsibly sourced materials for key building elements, including thermal insulation materials, and finishing elements will be specified, wherever feasible. Additionally, any timber used in these elements will be legally sourced (e.g. FSC certified).

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. The site will be graded to ensure useability for wheelchair users and landscape plans have considered movement of pedestrians and cyclists in detail. The proposed development includes provision for 430 cycle parking spaces in accordance with the cycle parking standards set out in Edinburgh Design Guidance (EDG).

Furthermore, in accordance with updated cycle parking design guidance set out in the EDG Detailed Design Manual, a range of short and long stay storage types are provided. The site is located near to local transport links and has easy access to nearby facilities. The provision of commercial and creative workspace within the proposed development will enhance the offer of facilities within the local area.

Policy 14 requires development proposals to improve the quality of an area regardless of scale are consistent with the six qualities of successful places. The site is within the urban area, on previously developed land, near facilities such as shops and public transport links. Commercial units and creative work spaces will activate the frontage along Beaverhall Road at ground floor level which will prioritise women's safety through increasing natural surveillance and enhanced sense of security. The mixed-use nature of the development including residential and employment uses 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. The application was supported by a Planning Statement, Transport Assessment, Affordable Housing Statement, and Economic Benefit and Social Value Statement which collectively address the criterion set out in Policy 16b. In terms of meeting local housing requirements, the proposed scheme will deliver 205 new homes to the area, including 52 units of an affordable tenure. The proposed scheme will offer a balanced mix of unit sizes, including homes for growing families in line with guidance. The proposed commercial units and creative workspaces will activate the frontage along Beaverhall Road at ground floor level which will improve residential amenity through increasing natural surveillance and enhanced sense of security. A passage between Beaverhall Road and Dunedin Street has been developed to form part of public amenity space termed 'Makers Yard'. This space, providing 528sqm of public open space, will be the public courtyard, where residents can gather, artists display, and neighbours can rest. The site does not currently offer any publicly available open space and this proposed public realm would enhance residential amenity.

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.

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 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.

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 3 states development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This should include the use of nature-based solutions, an assessment of potentially negative effects and should be based on an understanding of the existing characteristics of the site and its local, regional and national ecological context. Policy 20 also supports development proposals for or incorporating new or enhanced blue and/or green infrastructure. Sections of the proposed scheme are to have blue/green roofs with rain gardens at street level. The upper-level roofs are proposed as extensive green roofs, comprising valuable habitats for local wildlife. Designed to be self-sufficient and low maintenance, they will create a natural habitat to support a variety of plants, birds, animals and invertebrates. A range of communal green space is proposed for future occupiers.

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 19 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.

### Other Material Considerations

There are no new material considerations arising from those previously considered on 11 November 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**  
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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 10 May 2023**

### **Application for Planning Permission**

**Site east of 94 Nicolson Street, Davie Street, Edinburgh.**

**Proposal: Partial demolition of the existing retail store and construction of flatted dwellings and associated infrastructure.**

### **Item – Committee Decision**

**Application Number – 22/01355/FUL**

**Ward – B15 - Southside/Newington**

### **Report Returning to Committee**

This application was granted at the Development Management Sub-Committee on 8 December 2022 subject to a Legal Agreement requiring 25% of the residential units to be affordable housing units. Preparation of the legal agreement is progressing and is expected to reach completion stage shortly.

The application is returning to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023 which therefore now forms part of the development plan against which the development proposals require to 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: Policies 1, 2, 3, 7(a, c, d, e, f and g), 13 (b, c and e), 14 (a, b and c), 15a, 16 (c,e and f), 19, 20, 22c and 23. These are grouped together under the themes of principle, historic environment, 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.

The development proposal will intensify the mix of uses of an existing developed site by increasing its capacity to integrate the existing retail delivery bay use with additional residential uses above. The new building will be built with improved construction standards than the existing delivery bay, will repair the urban form of the block and provide a development form which offers longevity for future use. The proposal is acceptable in principle in this regard.

## Historic Environment

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

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

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

## Local Living, Quality Homes and Infrastructure

Policy 16f sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It supports development within existing settlement boundaries, and which promotes 20-minute neighbourhoods, as set out in NPF4 Policy 15. The proposed development is within an established residential area of the city and is within walking distance of facilities such as shops and public transport. It complies with the provisions of policies 15 and 16 in this regard.

The proposal does not include any car parking spaces and meets the LDP requirements for quantity and mix of cycle parking provision. It is compliant with Policy 13 in this regard.

The application is supported with information relating to air quality and noise mitigation measures which meets the requirements of Policy 23.

The development proposal includes provision of 25% affordable housing on site which complies with the provisions of Policy 16e.



Policy 14 seeks to ensure that development proposals improve the quality of an area. The proposed building form will repair the urban fabric of the local area by introducing a tenemental form. The choice of external materials and detailed architectural features of the building are appropriate to the site's townscape and reflect the character and heritage qualities of the surrounding area. The proposal meets the requirements of Policy 14.

The proposal is consistent with the spatial strategy within the Local Development Plan in the urban area and is acceptable in relation to this and in the context of NPF4 policies in this regard.

#### Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity in accordance with national and local guidance. To comply with this policy informatives are included in the consent which require due care to be undertaken in relation to undertaking works during the nesting birds' season and that biodiversity site management mitigation is undertaken as set out in the Preliminary Ecological Appraisal and Bat Assessment submitted in support of the application.

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

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

#### Other Material Considerations

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

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 10 May 2023**

### Protocol Note for Hearing

**Centrum House, 108-114 & 116 Dundas Street, Edinburgh - Proposed demolition of existing office buildings and erection of a mixed-use development comprising 49 No. flats with 3 No. commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure – application no's 22/05886/FUL & 22/05884/CON**

<b>Report number</b>	<b>6.1</b>
<b>Wards</b>	<b>B5 – Inverleith</b>

**Nick Smith**

Service Director – Legal and Assurance

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# 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> Newtown and Broughton Community Council Chris Day Anne Russell (Represented by Nicholas Morris)	10.40 - 10.45 10.50 - 10.55 11.00 - 11.05
3	<b>Ward Councillors</b> Councillor Jule Bandel Councillor Max Mitchell Councillor Vicky Nicolson	11.10 – 11.15 11.20 – 11.25 11.30 – 11.35
4	<b>Break</b>	11.40 – 11:55
5	<b>Applicant and Applicant’s Agent</b> Andrew Rennick Paul Scott Guy Morgan Craig Ormond Andrew Mickel Chris Thomson	12.00 – 12.15
6	<b>Debate and Decision on Application by Sub-Committee</b>	12.20

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

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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

### **Application for Planning Permission**

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

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

### **Item – Committee Hearing**

**Application Number – 22/05886/FUL**

**Ward – B05 - Inverleith**

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

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

### **Recommendation**

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

### **Summary**

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

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

Other material considerations support the presumption to grant planning permission.

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

## Site Description

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

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

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

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

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

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

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

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

## Description of the Proposal

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

The residential accommodation is as follows:



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

The commercial units are as follows: Unit A 125sqm Unit 181sqm Unit C 565sqm at ground and basement level.

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

### Building

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

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

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

## Landscaping/Amenity

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

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

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

## Access

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

## Services

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

## Car/Cycle Parking

Within the basement car park, a total of 31 car parking spaces, including three accessible and seven with electric vehicle charging spaces, two motorcycle spaces and 118 cycle parking spaces are proposed. The cycle spaces comprise four non-standard spaces via Sheffield stands and 114 standard spaces via two tier racks.

## Scheme 1

The original scheme proposed a roof terrace for Flat 07-01 on Dundas Street extending the whole width of the flat and full depth of the area between the penthouse building line and main building line. In the amended scheme, this terrace has been reduced significantly in area and a planter screen has been introduced to safeguard privacy.

#### Previous Planning Application (reference 20/05645/FUL)

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

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

#### **Supporting Information**

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

#### **Relevant Site History**

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

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

Refused  
7 October 2021

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

Complete demolition of existing buildings  
Refused  
7 October 2021

### **Other Relevant Site History**

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

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

### **Related Planning History**

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

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

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

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

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

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

### **Pre-Application process**

Pre-application discussions took place on this application.

## Consultation Engagement

Archaeologist

New Town/Broughton Community Council

Historic Environment Scotland

Affordable Housing

Environment Protection

Communities and Families

Edinburgh World Heritage

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 29 November 2022

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

**Press Publication Date(s):** 9 December 2022

**Site Notices Date(s):** 6 December 2022

**Number of Contributors:** 42

## Section B - Assessment

### Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

#### **Setting of Listed Buildings**

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

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

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

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

The document states that where development is proposed it is important to:

- *Identify the historic assets that might be affected.*
- *Define the setting of each historic asset; and*
- *Assess the impact of any new development on this.*

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

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

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

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

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

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

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

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

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

The proposed building will create an appropriate setting for the listed buildings in keeping with the 1820's planned layout for the area, through the establishment of building lines on Dundas Street and Fettes Row which relate to the historic context, matching that of the circa 1900 tenement on Dundas Street, except for the set-back section, and the recently established building line at 26-29 Fettes Row, which takes its reference from the listed Georgian buildings on the south side of Fettes Row. The proposed development of the former RBS office site directly opposite (reference 20/03034/FUL) includes building lines advanced from the existing set back structures to establish a layout more characteristic of the historic context. The cumulative effect of these over-extensive setbacks is to create a gap in the built enclosure of the street entrances to Fettes Row and stepping down effect along Dundas Street, contrary to the form originally planned for these streets. The 1.4-metres set back section of the proposed building on Dundas Street is an acceptable deviation of the established building line in order to protect the immediate outlook of the adjacent flats at no. 120.

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

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

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

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



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

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

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

### **Character and Appearance of Conservation Area**

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

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

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

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

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

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

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

### *Formal Planned Alignment, Setting and Edges*

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

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

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

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

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

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

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

### *Height, Skyline and Views*

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

The development will be most visually prominent within the views up and down Dundas Street. These views contribute to the clarity of the urban structure of the Second New Town and alignment of key buildings.

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

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

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

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

## *Design Quality*

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

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

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

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

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

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

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

The rear elevations are different in design and material to the principal facades, and this is appropriate to reflect the distinct character of the area to the rear of the site, which was formerly industrial and is now mainly occupied by flatted blocks, many with rendered elevations.

### *Materials Palette*

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

The specified materials palette is appropriate and suitably restrained in this context, using a blend of traditional and contemporary materials, including natural blonde sandstone, bronze coloured aluminium, and glass. A similar blend of materials has been used in other modern developments within the New Town Conservation Area, including those on the east side of Dundas Street. The bronze tone for the aluminium elements has been selected to ensure that the penthouse floor visually blends in with the historic slate roofs.

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

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

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

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

## *Land Use*

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

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

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

### **b) Compliance with the Development Plan**

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

The relevant NPF4 and LDP policies to be considered are:

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

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

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

### **Uses**

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

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

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

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

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

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

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

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

### ***Conclusion in relation to uses.***

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

## Climate Mitigation and Adaptation

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

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

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

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

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



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

The development site is near the city centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO<sub>2</sub> and traffic from this development could feed into this AQMA and the Inverleith Row AQMA to the north.

Whilst 31 parking spaces are being provided, the site is close to local services and the city centre commercial core and will be well served by local public transport, so many local journeys by private car will not be necessary. Also, 118 cycle parking spaces will be provided to encourage active travel, including four non-standard spaces for inclusivity. The provision of seven electric vehicle charging points within the basement car park is an additional measure to encourage the use of electric vehicles where car journeys are made.

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

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

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

### Flooding and Drainage

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

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

The proposals satisfy the Council's Flood Prevention requirements.

### Biodiversity

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

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

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

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

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

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

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

### ***Conclusion in relation to climate mitigation and adaptation***

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

### **Historic Assets and Places**

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

### Setting of Listed Buildings

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

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

### Character and Appearance of Conservation Area

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

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

### Outstanding Universal Value of World Heritage Site

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

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

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

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

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

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

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

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

EWH does not object to the principle of developing this site, on the basis that the existing buildings do not make a positive contribution to the OUV and supports the proposed building lines which reinforce local character. However, EWH considers that important elements of the design do not adequately respond to local character and, as a result, would disrupt the key qualities outlined above, causing harm to the OUV through insensitive development within its setting.

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

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

#### *Conclusion in relation to the World Heritage Site*

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

#### Archaeological Remains

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

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

#### ***Conclusion in relation to Historic Assets and Places***

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

#### **Design, Quality and Place**

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

## Built and Landscape Design

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security, and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated, and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale, proportions, materials, and detailing.

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

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

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

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

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

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

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

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

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

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

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

### Density

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

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

### Housing Mix and Sizes

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

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

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

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

### Affordable Housing

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

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

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

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

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

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

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

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

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

### Residential Amenity

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

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

### *Communal/Private Outdoor Space*

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

Approximately 33% of the total site area will be provided as usable green space, exceeding the 20% target set out in LDP Policy Hou 3. The private rear gardens are approximately 2.96 metres deep, which is only marginally short of the 3-metre minimum specified in the Edinburgh Design Guidance. The site is also close to King George V Park opposite Royal Crescent and within easy walking/bus distance of the Royal Botanic Garden and Princes Street Gardens.



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

### *Daylighting and Sunlight*

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

As regards the effect on the daylighting of the south-facing (gable) windows in 120 Dundas Street, daylight to gables and side windows is generally not protected under the standards set out in the Edinburgh Design Guidance. This building was constructed in 2009-10 to replace a 1980's office building and the design did not anticipate the possibility of the redevelopment of the Centrum House site in its inclusion of these windows.

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

The current level of daylighting at the rear of 120 Dundas Street will be improved significantly from the existing situation as the rear building line of the proposed flats is close to that of no. 120, whereas Centrum House formed a deep, overshadowing step back.

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

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

### *Privacy/Overlooking/Outlook*

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

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

As regards outlook for the residents of 120 Dundas Street with dining room/kitchen windows facing south, the proposed building in the previous application would have blocked the immediate outlook of these windows, i.e., directly south up Dundas Street. The Reporter judges in the appeal decision that this outlook would be severely compromised, especially as it would be largely restricted to a blank wall in very close proximity to the affected windows. The current scheme, incorporating a 1.4 metres set back section on the north part of the new building's Dundas Street elevation, will maintain an immediate south-facing outlook for these neighbours, albeit different to the current view. Sight of the west side of Dundas Street southwards beyond Fettes Row will be replaced by views of the front elevation of the new building. The immediate outlook for the top floor property at 120 Dundas Street will be further improved, compared to those in the previous application, through the reduced scale of the external terrace for the neighbouring penthouse property in the new building.

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

### *Noise*

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

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

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

### *Ground Contamination*

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

### Road Safety and Infrastructure

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

### *Access and Traffic Generation*

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

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

### *Car and Cycle Parking*

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

The Council's parking standards contain no minimum levels for car parking and the proposed 31 spaces for this development is a reduction of over 30% in terms of the maximum number permissible in Zone 1. Included within this total number are three accessible spaces, two motorcycle spaces and seven electric vehicle spaces which complies with the minimum standards.

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

LDP Policy Tra 3 requires that cycle parking and storage within the development complies with Council guidance. A total of 118 cycle parking spaces will be provided at basement level within defined secure spaces, in excess of the minimum requirement of 106 spaces. The four non-standard spaces included will cater for a range of cyclists' needs.

The cycle stands will be mainly two-tier with Sheffield racks for the four non-standard spaces. Whilst this specification does not fully comply with the Council's cycle parking Factsheet, the two-tier racks were accepted in the previous application and were considered acceptable in order to accommodate 100% parking provision on this constrained site, along with a viable level of living space.

#### *Waste/Servicing*

Waste will be collected via Henderson Place and a Swept Path Analysis has been provided to demonstrate that an appropriately sized vehicle can enter the site. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations. The Council's Waste Planning services supports the proposed waste and recycling strategy.

#### *Education Infrastructure*

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

The proposed development is required to make a financial contribution of £39,200 towards the delivery of the identified education infrastructure actions and current delivery programme within this zone based on the established 'per house' and 'per flat' rates for the appropriate section. This sum is calculated on the basis of 40 proposed flats (excluding the 9 one-bedroom flats within the development) and will be secured through a Section 75 legal agreement.

#### ***Conclusion in relation to the Design, Quality and Place***

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

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

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

#### **c) Other matters to consider**

The following matters have been identified for consideration:

## Emerging policy context

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

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The scheme provides accessible access to all uses within the development and there are internal lifts to access all floors. Three accessible parking spaces are provided within the basement car park.

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

## Public representations

A summary of the representations is provided below.

### *material objections*

#### New Town and Broughton Community Council (NTBCC)

##### Building Line

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

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

##### Street Trees

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

## Residential Amenity (Daylight/Sunlight)

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

## Building Height/Massing

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

## Active Frontage

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

## General

### Sustainability

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

### Historic Environment

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

### Design

- Does not contribute to a sense of place.
- Over-large height and scale
- Mundane, ugly, and imposing architectural style
- Does not respect the quality of the surrounding residences.

### Amenity

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

## Transport

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

## Services

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

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

## *support comments*

### New Town and Broughton Community Council

- The retention of the undercroft/basement parking provision
- The re-instatement of basement wells along Fettes Row West
- A residential-lead development on this site and inclusion of affordable housing.
- The commercial units at street level which could improve the active street frontage and the vitality of the streetscape.
- The integration of refuse and recycling storage into the design

### General

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

- The building set back improves the immediate outlook and amenity for immediate neighbours.
- The amendments address the previous reasons for refusal.

#### *non-material comments*

- Noise and disruption during construction works.
- Potential damage to property as a result of construction works.
- The structural stability of neighbouring properties
- Payment for any damages during construction.
- Access to roof of 120 Dundas Street for maintenance.
- Access to recessed area at street level beside 120 Dundas Street.
- Timing of application submission.

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

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

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

#### **Overall conclusion**

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

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

Other material considerations support the presumption to grant planning permission.

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

The recommendation is subject to the following.

#### **Conditions**

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



2. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. Swift bricks shall be installed on the rear elevation of the development. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.
6. The electric vehicle parking spaces (as shown on drawing L(PL)051 Rev D and dated 04/12/2020) shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. These points shall be installed and operational in full prior to the development being occupied.
7. Noise from Commercial Units (internal)

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

#### 8. Plant Noise

- a) The enclosure proposed for plant located on the roof should be continuous (close boarded with no gaps) and have a density of at least 10 kg/m<sup>3</sup>.

- b) The maximum cumulative octave band noise levels from roof plant shall comply with the levels at 1 metre as set out in Table 14, page 19 of the ITP Energised Noise Impact Assessment (dated 14 November 2022).

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

## 9. Use Classes

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

### Noise

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

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

### Ventilation

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

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

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

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

## REASONS

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

## Informatives

It should be noted that:

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

### Affordable Housing

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

### Transport

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

### Education

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

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

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

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

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

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

**Date Registered: 22 November 2022**

### **Drawing Numbers/Scheme**

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

Scheme 2

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

Contact: Clare Macdonald, Senior Planning Officer  
E-mail: [clare.macdonald@edinburgh.gov.uk](mailto:clare.macdonald@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Archaeologist

COMMENT: No known, significant, archaeological implications regarding this application.

DATE: 6 December 2022

NAME: New Town/Broughton Community Council

COMMENT: Comments submitted as a representation (full summary within the assessment).

DATE: 30 December 2022

NAME: Historic Environment Scotland

COMMENT: No comments to make on the proposals.

DATE: 16 December 2022

NAME: Affordable Housing

COMMENT: No comments received.

DATE:

NAME: Environment Protection

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

DATE: 24 January 2023

NAME: Communities and Families

COMMENT: No comments received.

DATE:

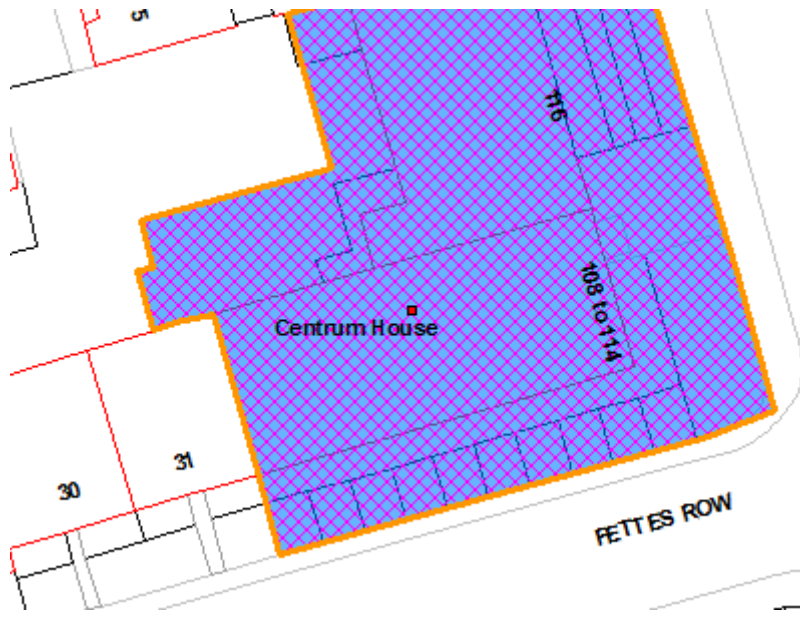
NAME: Edinburgh World Heritage

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

DATE: 13 December 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 10 May 2023**

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

**Proposal: Complete demolition in a conservation area.**

**Item – Committee Hearing  
Application Number – 22/05884/CON  
Ward – B05 - Inverleith**

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

The proposed demolition affects buildings on a sensitive site within the New Town Conservation Area around which there are several listed buildings and there is an associated application for planning permission that has received more than six objections. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

### **Recommendation**

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

### **Summary**

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

## **SECTION A – Application Background**

### **Site Description**

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

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

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

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

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

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

### **Description of the Proposal**

The application is for the demolition of the existing buildings on the site comprises two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s.

An associated application for planning permission has been submitted for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 49 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking (application number 22/05886/FUL).

### **Supporting Information**

- Heritage Statement
- Planning Statement
- Design and Access Statement and
- Tree Survey and Report

### **Relevant Site History**

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



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

Refused

7 October 2021

20/05646/CON

Centrum House

108 - 114 And 116 Dundas Street

Edinburgh

Complete demolition of existing buildings

Refused

7 October 2021

### **Other Relevant Site History**

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

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

### **Related Planning History**

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

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

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

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

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

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

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Historic Environment Scotland

Archaeologist

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** Not Applicable

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

**Press Publication Date(s):** 9 December 2022

**Site Notices Date(s):** 6 December 2022

**Number of Contributors:** 30

## **Section B - Assessment**

### **Determining Issues**

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?

- If the proposals do not comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

## Assessment

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

### a) Demolition of buildings and replacement

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- *the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;*
- *if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;*
- *where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.*

The existing buildings sit on prominent corner towards the northern edge of the New Town Conservation Area. The south side of Fettes Row/Royal Crescent represents the northern most expansion of the Second New Town in its completed form. The corner blocks within Dundas Street form a visual 'gateway' into the Second New Town from the north.

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

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

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

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

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

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

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

It should be noted that in the appeal decision for the previous application for conservation area consent, the Reporter concludes that the existing buildings do not contribute to the special character and appearance of the conservation area.

A condition is recommended to ensure that the buildings are not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

## **Conclusion in relation to the demolition and replacement**

The demolition of the existing building is therefore acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

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

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

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

As detailed in the assessment for the parallel planning application (reference 22/05886/FUL), the demolition of these buildings would enable the development of the site in a coherent and positive way. The replacement hard and soft landscaping is appropriately designed and specified in terms of the overall characteristics of the site.

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

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

### **c) there are any other matters to consider?**

The following matters have been identified for consideration:

#### Archaeological remains

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

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. The demolition of the buildings will enable the formation of improved access routes into the site and its facilities for people with mobility issues.

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

## Public representations

### *material objections*

- Centrum House represents a specific time and style which should be preserved, adapted and reused to maintain the history of the street and preserve the conservation area.

### *support comments*

- the removal of the existing buildings will preserve the character and appearance of the conservation area; and
- the existing buildings have no existing features worthy of retention.

### *non-material comments*

The majority of comments, including those from the New Town and Broughton Community Council (NTBCC), relate to the associated application for planning permission (reference 22/05886/FUL) or are non-material in planning terms.

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

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

## **Overall conclusion**

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

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

The recommendation is subject to the following;

### **Conditions**

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 22/05886/FUL.

### **Reasons**

1. In order to safeguard the character of the conservation area.

## **Informatives**

It should be noted that:

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

## **Background Reading/External References**

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

**Further Information - Local Development Plan**

**Date Registered: 22 November 2022**

## **Drawing Numbers/Scheme**

01, 02A + 03A

Scheme 1

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

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

## Appendix 1

### Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comments to make on the proposals.

DATE: 12 December 2022

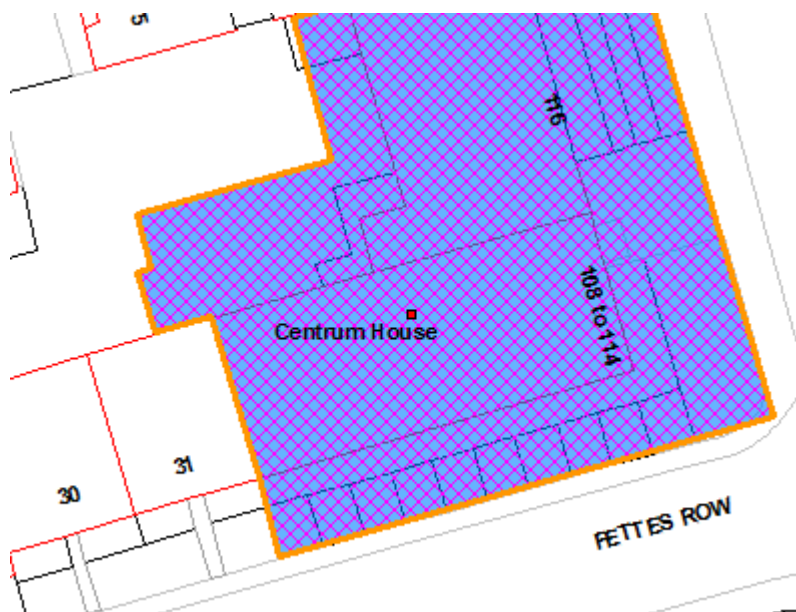
NAME: Archaeologist

COMMENT: No known, significant, archaeological implications regarding this application.

DATE: 6 December 2022

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

### Location Plan



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