

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 21st June, 2023

Dean of Guild Court Room - City Chambers

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

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 19th June 2023** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

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|-----|-------------------------------------------------------------------------------------------------------------------------------|---------|
| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee 1 March 2023 – submitted for approval as a correct record | 13 - 18 |
| 3.2 | Minutes of Previous Meeting of Development Management Sub- | 19 - 48 |

Committee 26 April 2023 – submitted for approval as a correct record

- 3.3** Minutes of Previous Meeting of Development Management Sub-Committee 10 May 2023 – submitted for approval as a correct record 49 - 56

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

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

Pre-Applications 57 - 62

- 4.1** Report for forthcoming application by Balfour Beatty Investments Ltd. for Proposal of Application Notice at 140 Causewayside, Edinburgh, EH9 1PR - Demolition of existing building and development of purpose-built student accommodation with landscaping, infrastructure, access and associated works - application no. 23/02186/PAN – Report by the Chief Planning Officer

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

- 4.2** Report for forthcoming application by Miller Homes & Roseberry Estates for Proposal of Application Notice at land at Turnhouse Road, Edinburgh - Proposed residential development with associated drainage, landscape, and infrastructure works - application no. 23/01816/PAN – Report by the Chief Planning Officer 63 - 70

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

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| 4.3 | Report for forthcoming application by Cruden Homes Ltd. for Proposal of Application Notice at Site 250 Metres East Of 11 West Shore Road, Edinburgh - Residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre - application no. 23/02215/PAN – Report by the Chief Planning Officer | 71 - 78 |
| | It is recommended that the Committee notes the key issues at this stage and advises of any other issues. | |
| | <u>Applications</u> | |
| 4.4 | 25 Argyle Crescent, Edinburgh (At Land 16 Metres Southeast of) - Erection of 2x new build, 3 storey, semi-detached townhouses on gap site (as amended) - application no. 23/00897/FUL – Report by the Chief Planning Officer | 79 - 92 |
| | It is recommended that this application be GRANTED . | |
| 4.5 | Bonnington House, Bonnington, Wilkieston - Proposed development of a gallery and micro distillery (including integrated dunnage) formed around a new orientation building providing staff and visitor facilities, cafe, and ancillary gift shop, landscaping, parking and ancillary works (as amended) - application no. 23/00509/FUL – Report by the Chief Planning Officer | 93 - 118 |
| | It is recommended that this application be GRANTED . | |
| 4.6 | Flats 1 - 9 31A Chambers Street, Edinburgh, EH1 1HU - Change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street - application no. 22/05381/FULSTL – Report by the Chief Planning Officer | 119 - 128 |
| | It is recommended that this application be GRANTED . | |
| 4.7 | 111 Dalry Road, Edinburgh, EH11 2DR - Change of use to from Class 1 to Class 3 after amalgamation of No. 109 and No. 111 (as amended) - application no. 23/00568/FUL – Report by the Chief Planning Officer | 129 - 136 |

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

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| 4.8 | George Square Gardens, 62 George Square, Edinburgh - Edinburgh Festival Fringe 2023 venue site comprising two performance venues, box offices, bars, food traders and ancillary offices and storage - application no. 23/01353/FUL – Report by the Chief Planning Officer | 137 - 146 |
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It is recommended that this application be **GRANTED**.

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| 4.9 | 10 - 14 Haymarket Terrace, Edinburgh, EH12 5JZ - Sub-divide the property and change use of No. 14 from Class 1 (retail) to (Sui Generis) to open an immersive magic experience for a small number of guests at a time, with refreshments and participation in a live entertainment experience - application no. 23/00808/FUL – Report by the Chief Planning Officer | 147 - 154 |
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It is recommended that this application be **REFUSED**.

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| 4.10 | 22 Inglis Green Road, Edinburgh, EH14 2HZ - Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) - application no. 22/02233/FUL – Report by the Chief Planning Officer | 155 - 178 |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|

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

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| 4.11 | The Meadows Public Park, Melville Drive, Edinburgh - Edinburgh Festival Fringe venues site comprising two performance venues, a box office, bars, food traders and ancillary offices and storage - application no. 23/01344/FUL – Report by the Chief Planning Officer | 179 - 188 |
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It is recommended that this application be **GRANTED**.

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| 4.12 | 103 Newcraighall Road, Edinburgh (Land 445 Metres North of) - Approval of matters specified in conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space, and infrastructure - application no. 22/03946/AMC – Report by the Chief Planning Officer | 189 - 240 |
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It is recommended that this application be **APPROVED**.

- 4.13** Elizabeth House, 31 Royal Elizabeth Yard, Kirkliston - Application 241 - 248
for hazardous substance consent for a new whisky maturation
warehousing site - application no. 22/05925/HSC – Report by the
Chief Planning Officer

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

- 4.14** 1 Scotstoun House, South Queensferry, EH30 9SE - 249 - 268
Redevelopment of Scotstoun House including conversion and
extension of existing buildings to residential use, part-demolition
of office extension, and erection of new build residential
development with associated infrastructure, landscaping, access
and parking. (as amended - application no. 21/04755/FUL –
Report by the Chief Planning Officer

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

- 4.15** 22-23 Teviot Place, Edinburgh (Proposed Temporary Festival 269 - 278
Venue 40 Metres North of) - Edinburgh Festival Fringe venue site
comprising one performance venue, bar, toilets and ancillary
offices and storage. The site also functions as a queuing area for
venues in University of Edinburgh buildings surrounding the site -
application no. 23/01346/FUL – Report by the Chief Planning
Officer

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

- 4.16** Teviot Place, Bristo Square, Edinburgh (Proposed Fringe Festival 279 - 288
Venue Site) - Edinburgh Festival Fringe venue site comprising a
bar and ancillary storage. The site also functions as a queuing
area for venues in University of Edinburgh buildings surrounding
the site - application no. 23/01350/FUL – Report by the Chief
Planning Officer

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

- 4.17** Teviot Place, Bristo Square, Edinburgh (Proposed Fringe Festival 289 - 298
Venue Site) - Edinburgh Festival Fringe venue site comprising a
box office, bars, food trader's toilets and ancillary offices and
storage. The site also functions as a queuing area for venues in
University of Edinburgh buildings surrounding the site. The area

will also be used for University of Edinburgh graduations - application no. 23/01354/FUL – Report by the Chief Planning Officer

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

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| 4.18 | The Water Tower, South Queensferry, EH30 9TS - Change of use from residential to commercial short term let - application no. 23/00581/FULSTL – Report by the Chief Planning Officer | 299 - 308 |
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It is recommended that this application be **GRANTED**.

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| 4.19 | 22 Young Street North Lane, Edinburgh - Change of use with alterations from office to form 3x short term let visitor accommodation - application no. 22/04402/FUL – Report by the Chief Planning Officer | 309 - 318 |
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It is recommended that this application be **GRANTED**.

5. Returning Applications

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

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| 5.1 | 229 Willowbrae Road, Edinburgh, EH8 7ND - A residential development consisting of 48 apartments with a commercial unit at ground level - application no. 22/02740/FUL – Report by the Chief Planning Officer | 319 - 322 |
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It is recommended that this application be **GRANTED**.

6. Applications for Hearing

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

6.1	35 Jock's Lodge, Edinburgh, EH8 7AA - application no. 23/00008/FUL - Protocol Note by the Service Director - Legal and Assurance	323 - 326
6.2	35 Jock's Lodge, Edinburgh, EH8 7AA - Student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage - application no. 23/00008/FUL – Report by the Chief Planning Officer It is recommended that this application be GRANTED .	327 - 366
6.3	124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh - application no. 22/03430/FUL - Protocol Note by the Service Director - Legal and Assurance	367 - 370
6.4	124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh - The proposals comprise a 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended) - application no. 22/03430/FUL – Report by the Chief Planning Officer It is recommended that this application be GRANTED .	371 - 392

7. Applications for Detailed Presentation

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

7.1	6 Bankhead Broadway, Edinburgh, EH11 4DB - Change of use from use as a warehouse to form a swimming pool to teach babies and tots - application no. 23/02062/FUL – Report by the Chief Planning Officer It is recommended that this application be REFUSED .	393 - 400
7.2	12 -18 Lower Gilmore Place, Edinburgh, EH3 9NY - Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking	401 - 428

(as amended) - application no. 22/06109/FUL – Report by the
Chief Planning Officer

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

8. Returning Applications Following Site Visit

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

8.1 None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1,

Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email jamie.macrae@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 1 March 2023

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Cowdy (substituting for Councillor Jones (Items 7.1 & 7.2)), Gardiner, Hyslop, Jones (Items 1.1-5.4), McNeese-Mechan and Mowat.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of the 8 February 2023 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a presentation:

Councillor Booth – Item 4.1 – 4 East Telferton, Edinburgh, EH7 6XD – application no. 22/04497/FUL

Councillor O'Neill – Item 4.2 – Liberton High School, 328 Gilmerton Road, Edinburgh – application no. 22/04134/FUL

Requests for a hearing:

Ward Councillor Lang – Item 4.3 – 43 Main Street, Edinburgh, EH4 5BZ – application no. 22/04940/FUL

Ward Councillor Young – Item 4.3 – 43 Main Street, Edinburgh, EH4 5BZ – application no. 22/04940/FUL

Ward Councillor Mitchell – Item 7.1 – Centrum House, 108-115 and 116 Dundas Street, Edinburgh – application no. 22/05886/FUL

Ward Councillor Mitchell – Item 7.2 – Centrum House, 108-115 and 116 Dundas Street, Edinburgh – application no. 22/05884/CON

Decision

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

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

3. 4 East Telferton, Edinburgh, EH7 6XD

Details were provided of proposals for planning permission to change the use from Class 5 (Industrial) to a climbing gym (Class 11) with ancillary café at 4 East Telferton, Edinburgh, EH7 6XD – application no. 22/04497/FUL

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

Motion

To **GRANT** planning permission subject to the following:

- 1) Condition: That the use of the premises shall be restricted to a climbing gym and ancillary café, and no change within the Class 11 shall be permitted.
- 2) Reason: The proposal complies with policy 26C of NPF4 and that the use will not prejudice the primary function of the area and is compatible with the business industry character of the area.
 - Moved by Councillor Osler, seconded by Councillor Booth

Amendment

To **REFUSE** planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer.

- Moved by Councillor Jones, seconded by Councillor Gardiner

Voting

For the Motion - 7

For the Amendment - 2

(For the Motion: Councillors Beal, Booth, Cameron, Hyslop, McNeese-Mechan, Mowat and Osler.)

(For the Amendment: Councillors Gardiner and Jones.)

Decision

To **GRANT** planning permission subject to the following:

- 1) Condition: That the use of the premises shall be restricted to a climbing gym and ancillary café, and no change within the Class 11 shall be permitted.
- 2) Reason: The proposal complies with policy 26C of NPF4 and that the use will not prejudice the primary function of the area and is compatible with the business industry character of the area.

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

4. 43 Main Street, Edinburgh, EH4 5BZ

Details were provided of proposals for planning permission to build a 48 bed care home at Main Street, Davidson's Mains, Edinburgh – application no. 22/04940/FUL

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

A vote was taken for or against on whether to continue the applications for a hearing.

Voting

For Continuation - 5

Against Continuation - 4

(For Continuation: Councillors Beal, Cameron, Hyslop, Jones and Osler.)

(Against Continuation: Councillors Booth, Gardiner, McNeese-Mechan and Mowat.)

Decision

To **CONTINUE** consideration of the application for a site visit.

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

5. Centrum House, 108-114 and 116 Dundas Street, Edinburgh

Details were provided of proposals for planning permission to demolish 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

Details were provided of proposals for conservation area consent for complete demolition in a conservation area – application no. 22/01473/CON

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

A vote was taken for or against on whether to continue the applications for a hearing.

Voting

For Continuation - 8

Against Continuation - 3

(For Continuation: Councillors Booth, Cameron, Cowdy, Gardiner, Hyslop, McNeese-Mechan and Mowat.)

(Against Continuation: Councillors Beal and Osler.)

Decision

To **CONTINUE** consideration of the application for a site visit.

Declarations of Interest

Councillor Jones declared a non-financial interest in this item as he had personal connections with residents in the neighboring property – he left the room and took no part in consideration of this item.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – 4 East Telferton, Edinburgh, EH7 6XD	Change of use from Class 5 (Industrial) to climbing gym (Class 11) with ancillary café – application no. 22/04497/FUL	<p>To GRANT planning permission subject to the following:</p> <ol style="list-style-type: none"> 1) Condition: That the use of the premises shall be restricted to a climbing gym and ancillary café, and no change within the Class 11 shall be permitted. 2) Reason: The proposal complies with policy 26C of NPF4 and that the use will not prejudice the primary function of the area and is compatible with the business industry character of the area. <p>(on a division)</p>
4.2 – Liberton High School, 328 Gilmerton Road, Edinburgh	Erection of a three-storey building comprising a 1200 pupil secondary school, a GP practice and community facilities with associated hard and soft landscaping, external sports provision and car-parking (as amended) – application no. 22/04134/FUL	To GRANT planning permission subject to the conditions, reasons and informatives as set out in Section 3 of the report by the Chief Planning Officer, and an additional condition that notwithstanding the approved plans, the applicant would review cycle parking on the development with a view to maximizing accessible cycle parking spaces.
4.3 – 43 Main Street, Edinburgh, EH4 5BZ	48 bed care home at Main Street, Davidson's Mains, Edinburgh – application no. 22/04940/FUL	To CONTINUE consideration of the application for a hearing. (on a division)
4.4 – Melville Statue, St Andrews Square, Edinburgh	Removal of plaque – application no. 22/04496/LBC	To GRANT listed building consent subject to the conditions, reasons and informatives as set out in Section C of the report by

		<p>the Chief Planning Officer.</p> <p>Note: Councillor Booth declared a non-financial interest in this item as he had publicly opposed the removal of the plaque – he left the room and took no part in consideration of this item.</p>
<p>4.5 – 3F1, 115 Warrender Park Road, Edinburgh, EH19 1EN</p>	<p>Change of use from 2 storey residential flat to commercial unit HMO – application no. 22/01643/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>5.1 – 26 Cleikiminrig, Edinburgh (Land South of)</p>	<p>Residential development with associated landscaping, SUDS, infrastructure, engineering works including removal of on-site material, and other ancillary works – application no. 22/03291/PPP</p>	<p>To GRANT planning permission in principle subject to the conditions, informatives and a Legal Agreement as set out in the report.</p>
<p>5.2 – 6 Cowan's Close, Edinburgh, EH8 9HF</p>	<p>Replace the single storey street cleansing the office and car park with a 4-storey residential block including amenity space and planting space for both tenants and the nursery opposite – application no. 21/06745/FUL</p>	<p>To GRANT planning permission subject to the conditions, informatives and the conclusion of a Legal Agreement.</p>
<p>5.3 -The Forts, 3 Hawes Brae, South Queensferry</p>	<p>The development of a Forth Bridge Walk Reception Hub building, new sections of bridge access system; new viewing platforms, alterations to Dalmeny Battery; demolition of 2 No. outbuildings, associated car parking, landscaping, servicing and alterations to existing vehicular and pedestrian access – application no. 22/00358/FUL</p>	<p>To GRANT planning permission subject to the conditions, informatives and the conclusion of a Legal Agreement.</p>

<p>5.4 – 50 Pilrig Street, Edinburgh, EH6 5AL</p>	<p>Demolition of house and redevelopment to form apartment building with associated garden ground and bin/cycle storage (as amended) – application no. 21/00246/FUL</p>	<p>To GRANT planning permission subject to the conditions, informatives and the conclusion of a Legal Agreement.</p>
<p>7.1 – Centrum House, 108-114 and 116 Dundas Street, Edinburgh</p>	<p>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</p>	<p>To CONTINUE consideration of the application for a hearing. (on a division)</p>
<p>7.2 - Centrum House, 108-114 and 116 Dundas Street, Edinburgh</p>	<p>Complete demolition in a conservation area – application no. 22/05884/CON</p>	<p>To CONTINUE consideration of the application for a hearing. (on a division)</p>

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 26 April 2023

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Dalglish, Gardiner (items 4.1-4.6, 4.8-4.10, 5.1-5.3, 6.1-6.4 and 7.1-7.3), Hyslop, Jones, McNeese-Mechan, Mowat and O'Neill (items 4.1, 4.3-4.4, 4.6-4.10, 5.1-5.3, 6.3-6.4 and 7.1-7.3).

1. Minutes

Decision

- 1) To approve the minute of the Development Management Sub-Committee of 15 March 2023 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of 17 March 2023 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a Presentation:

Councillor Booth requested a presentation in respect of Item 4.2 - 44 Biggar Road, Edinburgh, EH10 7BJ - application no. 22/04184/FUL.

Councillor Booth requested a presentation in respect of Item 4.5 - 159 Fountainbridge, Edinburgh (Site At Former) - application no. 22/04045/AMC.

Councillor Osler requested a presentation in respect of Item 4.5 - 159 Fountainbridge, Edinburgh (Site At Former) - application no. 22/04045/AMC.

Request for Site Visit and Hearing

Councillor Gardiner requested a hearing in respect of Item 7.2 and 7.3 – Bonnington Mains Quarry (At Land 177 Metres West of), Cliftonhall Road, Newbridge - application nos. 22/02513/FUL and 22/02514/FUL.

Declaration of Interests

Councillor Gardiner made a non-financial declaration of interest in item 4.7 – 5B Hope Terrace, Edinburgh – as he knew one of the neighbours of the adjoining property and did not take part in

the discussion and decision on this item.

Decision

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

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

3. 43 Main Street, Davidson Mains, Edinburgh

At its meeting of 1 March 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/04940/FUL - 43 Main Street, Edinburgh, to allow for a hearing.

The application for planning permission was for the proposed 48-bed care home at 43 Main Street, Davidson's Mains, Edinburgh - application no. 22/04940/FUL.

(a) Report by the Chief Planning Officer

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

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

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

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

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

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

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

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

Space heating and hot water within the building will be all-electric, powered by renewable energy generated by a ground source heat pump and solar PV array. A heat recovery system would also redistribute excess heat throughout the building as required. The surface water management plan included a combination of SUDS features including above and below ground attenuation.

Supporting Information

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

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

[Development Management Sub-Committee - Wednesday 26 April 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Davidson's Mains and Silverknowes Association

Mr Alexander and Ms Cowe addressed the Development Management Sub-Committee on behalf of Davidson's Mains and Silverknowes Association. Mr Alexander indicated that most of the local residents were opposed to this development. They were not against care homes, but had thought that new housing would be developed. The report recognised their preference for housing, but it underplayed the alternative uses for this site. The big issue was what was developed on this site. This was a brownfield site and it was possibly considered to be too small for housing. But this was the only potential site for much needed housing. This would be consistent with council policies and the City Mobility plan. This area had a good mix to be a viable centre of a 20-minute neighbourhood. New housing would be very important as over 100 residents would use local facilities, which the care home residents and staff would not use to the same extent. He was concerned about the scale and density of the development. In summary, there was an overwhelming case for new housing. Members may feel obliged to approve a care home because of limitations in current planning legislation. However, the Care Home would not provide the same benefits and it would be detrimental to the community. This was a test case for Council commitment to the City Plan. Active travel and local centres should be supported. Some of the shops in Davidson Mains were

struggling and new housing residents would benefit the local centres. However, if there had to be a care home, the scale and density would have to be reduced.

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(c) Ward Councillors Lang, Young and Younie

Councillor Lang thanked the Sub-Committee for agreeing to this hearing, which gave an opportunity to explore important issues. This site was ideal for development and everyone concerned wanted this site developed, however, it should be questioned if this application was an appropriate development for this site. This site was very different from every other site in his ward where care homes had been approved and they had been located in highly accessible locations, with open space. This was very different as it was overdevelopment of a heavily constrained site. He challenged the assertion that there were high levels of public transport and this could be a very busy site. There would be 45 staff, visitors and servicing requirements, but there was a narrow single site, off Main Street and there was significant footfall. There was disappointment locally, as the residents had thought there would be residential housing of a good standard. The Main Street was “fragile” as some local businesses were successful, but some were not. It was important to think about the sensitivity of development on this site and how it would fit in to the area. This site was small, constrained, lacked access and this specific site was not suitable for a care home of this scale.

Councillor Younie indicated that everyone knew the issues at stake and outlined some key issues. Parking was one of the challenges and it was important to highlight that only 9 parking spots would be available, and up to 16 staff would be on site, with visitors and other services. That would worsen traffic problems in an area that was already congested. It was important to note there were not strong public transport links in this area. This was especially the case for accessibility needs. It was necessary to look at accessibility, in what was a very constrained street at times. Anyone would have challenges navigating this street, especially with traffic issues. At the roundabout, there had been traffic incident. Also, there were vulnerable residents in the area, who should be given consideration. He thanked the Sub-Committee for hearing him, indicating that he had a number of reservations about this application being granted.

Councillor Young appreciated that this seemed a relatively small development for a hearing, but this would have massive impact for Davidson Mains Village, which historically had a village culture. The members’ questions had seemed to focus on the merits of the development, however, they should keep an open mind. It spoke volumes that the Sub-Committee was receiving such contributions from Ward Councillors and the Resident’s Association on the impact on the High Street of Davidson Mains. They did not object to housing, it was the type of residence and building that they had concerns for. She was dubious that this was well served by a number of bus routes as the village was trying to hold on to their current bus services. She took the point of people being allowed to age locally, but there were a number of care homes in a short travelling

distance from this site. This was wrong use of this site. Finally, the proposed parking was inadequate, as a considerable amount of transport, from staff and visitors would come to this area. It was unlikely that 9 parking spaces would meet this demand. There was a willingness for housing in this area, but it had to be the right kind of housing in this community.

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(d) Applicants and Applicant's Agent

Derek Scott (Derek Scott Planning), Mr. Sean Black (Lindemann Healthcare) and Mr. Stuart Dallas (Planform Architects) were heard in support of the application.

Derek Scott indicated that the members had already received a presentation from the Planning Officer, Mr. Simon Wasser, who he would like to thank for his cooperation and guidance, prior to, and during the progression of the application. Mr. Wasser's presentation and report provided a very comprehensive, professional and thorough assessment of the application proposals.

Lindemann Healthcare, a local company, were one of the City's leading care providers. They had developed and operated several high quality care homes in the City, including Lorimer House in Juniper, Green, Thorburn Manor in Colinton and Morningside Manor in Morningside. All three care homes provided for a variety of forms of care, including dementia, respite, palliative, convalescence and nursing. All of these would be provided within the facility proposed and the current application at Davidson Mains.

A number of parties who had objected to the application had raised concerns that the site would be better developed for housing purposes, than for a care home facility, claiming, firstly, that there was already a sufficient number of care homes in the area and secondly, that new housing would make a better contribution to the vitality of Davidson's Mains Local Centre than the proposed Care Home.

The Council's Local Development Plan was apparently silent on the need or otherwise, for additional care home facilities in the City. Contrary to what some of the objectors had claimed, the applicants were of the view that there was a need for new facilities and for a variety of reasons. Firstly, there was a rapidly ageing population. The proportion of the City's population falling within the 60 to 74 age group was projected to increase by approximately 21%, in the next 20 years, with the proportion of those aged 75 and over projected to increase by almost 62%, in the same period. It was a simple matter of fact that an ageing population led to a demand for more care home bed spaces. Secondly, it was established practice in the care home industry to assess the demand for bed-spaces in city locations of this nature, on the basis of a three-mile catchment area. Based on a statistical evaluation of the area's population and age profile, there was, at present, a requirement for 1,127 care home bed spaces.

There were currently 21 care homes within the catchment area which had been

described, of an offering of 1,070 yet bed spaces, resulting in a quantitative shortfall of some 49 spaces. The situation with the ageing population would be even worse by the time this care home, if approved, was developed. The demand and supply of care home bed-spaces could not, however, be considered purely on a quantitative basis, there were also qualitative issues.

The Care Inspectorate, the body responsible for the registration and overseeing of care homes in Scotland, began a review of its design standards for care home facilities, following the Covid Pandemic. Many of the new standards which had subsequently emerged, took on board the difficult lessons learned from the pandemic, with a particular and notable focus on infection control.

Of the 21 care homes currently existing in the catchment area described, five of these, with an offering of almost 100 beds were built in the 1980's, and six of almost 300 and 20 beds were built in the 1990's. The room sizes, nursing stations, communal areas, corridors and associated operational design standards, in these older care homes, arose from outdated guidelines and practices existing at the time they were built or created. These facilities would not and did not meet current standards. There were, for example, over 80 bedrooms, forming part of the existing stock, which did not have en-suite facilities and almost 330 bedrooms with no wetroom facilities, without which new care home facilities would not today be given the required registration to operate, from the inspectorate. The lesson to be taken from all of this was that there were simply not enough care home bed spaces, from either a quantitative or qualitative perspectives, within the catchment area. There would be an ongoing need to create new compliant stock, not just now, but for many years to come. Whilst the application being considered today would not solve all the challenges the City faced in bringing its care home stock up to current standards, it would make a contribution to the shortfall and a very worthwhile one at that.

The second issue he would like to respond to revolved around the views expressed by some objectors that the development of housing on the site, would make a better contribution to the vitality of the local centre in Davidson Mains, than the proposed Care Home. Firstly, and this was critically important, the application site was not zoned for housing purposes in either the adopted Local Development Plan or in the proposed Local Development Plan. In fact, he did not believe it was even promoted for such purposes in the Local Development Plan.

It appeared in both plans as white land and not zoned for any specific type of development or purpose, there was an underlying presumption in favour of development, given its brownfield status and nature. Following on from that key consideration, the test that should be applied in the determination of this application today was not whether housing was a better or more appropriate use of the care home, or indeed vice versa. It was whether the use of the site for the development of a care home facility was an acceptable one when assessed on its own merits.

When discussing the subject of housing, it was worth adding that residents, when

moving into a care home of the nature proposed, generally freed up other under-occupied houses and in the process contributed in that way to the supply of a more efficient use of established housing stock. Existing and emerging Local Development Plans were again, as earlier stated, silent on the parameters to be used, in the assessment of applications for care home facilities. Many local authorities provided guidance and a central theme, and for those who did, indicated that there was an overriding desire to locate care homes in close proximity to facilities and services and in locations that were well served by public transport.

Policy 15 of NPF4, on the subject of local living and 20-minute neighbourhoods, referred to the importance of providing local access to, and he quoted: “affordable and accessible housing options, the ability to age in place and housing diversity”. Policy 16 stated that homes for older people, including care homes, would be supported, where there was an identified gap in provision which he thought they had demonstrated. The Care Inspectorate to whom he had made reference to previously, acknowledged in its design standards, that he quoted: “a well-connected care home that was well integrated into the community, could have a positive impact on people's wellbeing, experience and help tackle isolation and loneliness.

The application site was, from operational and logistical perspectives, ideally located for a care home facility. It would be positioned at the heart of the community within the local centre, it benefited from excellent public transport links, and it would contribute towards Davidson Mains role as the beating heart of the surrounding 20-minute neighbourhood.

Local shops and other facilities would benefit from the patronage drive from residents within the Care Home, from staff working in it and from those visiting friends and relatives. In that respect, it would add to the vitality and vibrancy of the local centre, rather than detract from it, and as such, should be considered as an acceptable use within it, compliant with the Local Development Plan.

Having established the need for, and the suitability of, the location for the care home proposed, he would like to speak briefly about the facility, but with the intention of not duplicating, to any great degree, the substantial amount of ground already covered on the subject this morning.

A 48-bed care home had been proposed on the site. That would be the minimum number of bed-spaces required to operate a facility from this location. The home would be provided with a range of facilities, including a public cafe, hairdressing salon, cinema and activity room. It would contain five small groups of living households within a three-storey building. The height of the building took its cue from the height of the North Bar on Main Street, to which it related to and fully respected.

Whilst the building was, with the exception of the Tesco Supermarket to the north, of a larger scale or mass to the immediately surrounding properties, it was set some 20 metres back from Main Street, and because of that and other considerations, it would

appear subservient to and respectful to the existing buildings. Vertical breaks and careful articulation and the facades would also break up the elevations into smaller units, appropriate to the residential context and, in the process, add interest to those elevations.

Key references of architectural form and uses of material had also been interpreted in a contemporary manner, in reflection of the local surrounding context. They believed that they had a building, the design of which had been developed, in collaboration and partnership, with the Planning Department over many months. That was, firstly befitting of its location, secondly, which would contribute to rather than detract from the architectural character and appearance of their area, and thirdly, one which could be accommodated on the site without adverse impact on adjoining users.

There's one other point that he would briefly like to comment on. It had been claimed earlier that there were insufficient car parking facilities to service the proposed care home. As Mr. Wasser outlined, the Council's parking standards permitted a maximum, not minimum, of 10 spaces to be provided in association with a care home of this nature. They originally proposed ten, but were requested to reduce that to nine, during the progression of the application. Operationally, their client has no difficulty with the number of spaces proposed, be that nine or ten.

As far as cycle spaces were concerned, council standards required a minimum of one per 15 rooms, or expressed otherwise as a minimum of four spaces for the entire facility. They had proposed 12, in order to enhance the sustainability credentials of the overall proposal and he was happy to answer any questions on that point later.

All of the issues, other issues raised by third parties, had been addressed by Mr. Wasser earlier in his report and his presentation, or in the response to the question he had received. However, if members had any concerns or queries about anything contained in the application submissions, if they disagreed with anything in the Committee Report, or if they had concerns that the report had failed to address any issues, which they considered to be pertinent to the determination of the application, please raise these with the applicant and provide them with an opportunity to respond to them before making their decision.

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Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) An additional informative that the applicant should submit a plan showing additional cycle parking in the form of Sheffield Racks (or other suitable rack to be agreed with the Planning Authority) within the application site boundary.

- 3) An additional informative that the applicant should explore options regarding the installation of water butts for grey water within the application site.

(References – Development Management Sub-Committee of 1 March 2023 (item 4), the report by the Chief Planning Officer, submitted.)

4. 6 Bankhead Crossway South, Edinburgh

Details were provided of an application for planning permission for change of use from warehouse to a swimming pool to train babies and children at 6 Bankhead Crossway South, Edinburgh - application no. 22/05278/FUL.

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

Motion

To **CONTINUE** consideration of the application to provide more information on the level of demand for this industrial unit.

- moved by Councillor Osler, seconded by Councillor Mowat

Amendment

To **REFUSE** the request for continuation and determine the application at the current meeting of the Sub-Committee.

- moved by Councillor Gardiner, seconded by Councillor Cameron

Voting

For the motion: - 8 votes

For the amendment: - 3 votes

(For the motion: Councillors Booth, Dalgleish, Hyslop, Jones, McNeese-Mechan, Mowat, O'Neil and Osler.)

(For the amendment: Councillors Beal, Cameron and Gardiner.)

Decision

To **CONTINUE** consideration of the application to provide more information on the level of demand for this industrial unit.

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

5. 139 Leith Walk (At Land to East Of), Edinburgh

At its meeting of 8 February 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/01563/FUL - 139 Leith Walk (At Land to East of), Edinburgh, to allow for a hearing.

The application for planning permission was for the proposed demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park at 139 Leith Walk (At Land to East of), Edinburgh - application no. 22/01563/FUL.

(a) Report by the Chief Planning Officer

The proposal was for:

- (i) The demolition of an existing vacant single-storey warehouse building located on the northwestern part of the site;
- (ii) The erection of four buildings (blocks A, B, C and an ancillary block as delineated on application drawings) on the site as follows:

Block A, an affordable housing block containing 27 affordable flats, positioned in the northwestern part of the site. It was aligned east-west and has a north-south orientation. The north elevation of that block fronts onto the principal east-west orientated active travel route connecting Leith Walk and Halmyre Street. This block was 5 storeys in height and had a flat roof that was a 'blue roof' that also incorporated photovoltaic panels.

Block B, containing a mixture of student accommodation and commercial units (any use within class 1 (shops), class 2 (financial, professional and other services), class 4 (business) and class 10 (non-residential institutions) (block B), positioned roughly in the middle of the site. It integrally attached to the east of the affordable block. It was aligned north-south and had an east-west orientation. There was a two-storey pend running east-west through the block through which there could potentially be vehicular access to the NHS car park and access to the rear gardens and bin store of the affordable units within the northern arm. The layout did not delineate changes to the layout of the car park that would permit vehicles to access and egress the car park from the pend. The applicant had title to only part of the NHS car park. The three commercial units were situated on the southern end of the block at ground floor level. This block was 6-storeys in height and had a flat roof that is a 'blue roof' that also incorporated photovoltaic panels.

Block C, a built to rent flatted block located on the south-eastern part of the site, adjacent to the south of the Halmyre Street access. It contained 27 mainstream Build to rent flats. It was 5-storeys in height with maisonette flats on the fourth floor. It was rectangular in footprint and was orientated east and west. It had a mostly pitched roof with a small area of flat roof to the west.

An ancillary building adjacent to the north of the student accommodation block and associated with that block. It contained a cycle store, a lounge and a gym. It was aligned east-south and was single aspect and orientated south onto the principal east-west active travel route.

(iii) The reconfiguration of the existing NHS car park, including the reduction in the number of parking spaces from 65 to 31 spaces and the installation of 4 electric vehicle charging points.

The design of the proposed 4 blocks was relatively contemporary. Their external walls were finished in a combination of three colours of brick. Pitched roof sections were finished in grey metal and flat roof sections are utilised to attenuate water and slow surface water run-off rates. Elevational treatment was relatively contemporary and included wide openings at ground floor level. The framing of windows and external doors were grey in colour.

The accommodation proposed was as follows:

- Affordable Flats - (27 in total) comprising 8 one bed units (30%), 13 two bed units (48%) and 6 three bed units (22%);
- Private BTR - (build to rent) Flats (27 flats) comprising 5 one bed units (18%), 16 two bed units (60%) and 6 three bed units (22%).
- Student accommodation - (230 managed student beds) comprising 215 studio units including 10 wheelchair accessible studio units (93%) and 15 cluster units (7%).
- 3 Commercial Units for use for uses within Classes 1, 2, 4 or 10 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 - comprising at total of 139 square metres floorspace.

Of the mainstream residential units 46% (25 units) were single aspect; 13% (7 units) had a private garden; 33% (18 units) had a balcony; and 100% had access to shared amenity space.

Vehicular, pedestrian and cycle access would be off Halmyre Street to the east, leading directly to a proposed one-way loop road designed as a shared surface primarily functioning as a cycleway/footway, but it also was designed for use by refuse vehicles/emergency vehicles. This shared surface connected to a proposed east-west orientated cycleway/footway accessed off and existing access lane lying between Nos.113 and 117 Leith Walk (Domino Lane). There was no vehicular access off Leith Walk from the vennel known as Domino Lane. It was surfaced in a combination of grey block pavements and setts.

A pedestrian and cycle access to the site to/from Manderston Street was to be provided under one of the former railway arches. This route was not designed for vehicular access.

A total of six parking spaces were proposed, which were adjacent to the east of the Private Build for rent block. They were all accessible parking spaces and equipped with electric vehicle charging infrastructure.

In total there were 366 cycle parking spaces across the site, 62 (17%) of which were single tier Sheffield stands. 95% of the cycle parking was within a secure building, the remaining 5% was either short-stay visitor parking (uncovered) or for use for cycle parking by a cycle hire scheme. The cycle parking was as follows:

Affordable block (block A) –

34 two tier Falco stands (internal store), 22 Sheffield stands for standard bikes (internal store), 4 stands for non-standard bikes (internal store) 10 visitor/future cycle hire scheme adjacent to Block A on 'Domino Lane' (External) - Total = 60 spaces + 10 visitor spaces.

Student accommodation block (block B) –

The cycle store was separated from the main building and located to the northern boundary within a secure building housing 226 two tier Falco stands (internal store) and 4 stood for non-standard bikes (internal store) - Total = 230 spaces.

Private BTR block (block C) –

6 short stay/visitor spaces on the east elevation (external), 34 two-tier stands (internal store) plus 20 Sheffield stands (internal and external). There was an enclosed bike store to the southeast of the block with 4 Sheffield stands plus 6 spaces for non-standard bikes. - Total = 60 + 6 visitor.

In addition to this the applicant states that they would be willing to incorporate e-bike charging points within the bike stores.

Separate bin stores were provided for the student accommodation, affordable housing, and the mainstream flatted dwellings, with the full provision and range of bin types in each store. The bin stores were located within the buildings except for the affordable flats, which is within a detached bin store.

Communal open space for the affordable flats was located to the south and west of the building and extends to 353 square metres. Private gardens were provided for three ground floor affordable flats.

Communal private open space for the student accommodation block was located to the south of the block and extended to 246 square metres (10.25 square metres per flat). Private gardens were provided for three of the ground floor private flats.

The principal public open space was located roughly in the middle of the site between blocks B and C. It had an area of 426 square metres.

The student accommodation had a communal garden located on the west side of the building, which extended to 68 square metres. Policy Hou 3 did not apply to student accommodation because students often included internal amenity such as gyms, communal lounges, and study areas.

A greenspace for public use had been proposed in the centre of the site which extended to 426 square metres. Further areas of public open space in the form of green and civic space were proposed to the north of the site along the principal east-west active travel route.

The landscaping would be a mix of hard and soft with trees and plants chosen to encourage biodiversity. Large, slow growing trees were proposed throughout the site and an appropriate soil depth of at least 700mm had been detailed by the applicant. There were no clashes between the tree root areas and proposed or existing below ground infrastructure.

A hybrid of below and above ground SUDs features was proposed, including rain gardens, blue roofs, permeable paving, open SUDS basins and localised cellular storage.

Five bird boxes, six bat boxes and two bee boxes were proposed throughout the site, both within landscaped areas on trees and on the proposed buildings.

Supporting Documents:

The following documents have been submitted in support of the application:

- Planning Statement;
- Pre-application Consultation Report;
- Affordable Housing Statement;
- Design and Access Statement;
- Transport Assessment;
- Flood Risk and Drainage Impact Assessment;
- Student Management Plan
- Daylight and Sunlight Analysis;
- S1 Sustainability Statement;
- Geotechnical and Geo-environmental Report;
- Townscape and Visual Impact Assessment (TVIA);

- Built Heritage & Townscape Visual Impact Assessment;
- Desk Based Archaeological and Heritage Report;
- Noise Impact Assessment;
- Air Quality Statement;
- Affordable Housing Statement;
- Extended Phase 1 Habitat Survey and Bat Survey;

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(b) Leith Central Community Council

John Wilkinson addressed the Development Management Sub-Committee on behalf of Leith Central Community Council. Mr Wilkinson indicated that the Community Council had already objected twice to this application, there had been substantial changes by the applicant and the Community Council's second objection was in response to this. The proposal was at odds with the Halmyre Street Areas Brief, as it proposed over 200 student beds and only a limited number of residential flats. It also fell below minimum daylight requirements. Edinburgh Urban Design Panel had strong concerns, about the level of student accommodation, land use, layout, height, materials and security. The proposal was at odds with student housing guidance, would unbalance to the community and would not contribute to a sense of place. There would be a lack of safety, commercial units, the proposed student gym and lounge location would harm existing businesses in the arches and would adversely affect air quality and noise. It failed to be tenure neutral, the proposed affordable housing block would have no accessible parking and failed to meet all housing needs. It was highly unlikely that if it was no longer required for students, then the accommodation could be converted to residential use. The Community Council said that the development on Iona Street had been handled on a much higher lever and the Sub-Committee should listen more to people's views.

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(c) Sandra-Anne Marshall

Sandra-Anne Marshall addressed the Development Management Sub-Committee. Ms Marshall stated that she had visited the local businesses in the area. She shared the concerns of the previous speaker about the height of the buildings, as the local businesses also had concerns. Also, she thought that there were already an excessive number of students in the area and there should be more of a mix. It had been suggested that, on the other side of the road, there could be integrated accommodation. This would lessen the differences and helped foster mutual respect. What was also of concern was the proposed access from a rather small road to Halmyre Street and the possible effect it might have on the Bingo Hall and the Arches. Opposite, there was a housing association building for retired residents, who had got used to the Bingo Hall and the Arches. This proposed walkway would also create noise issues. These were

her main objections. Additionally, the Tram Works were nearly complete and the community in Leith had experienced nearly 20 years of disruption. The Authority should spend more time on the Development Plan and give the residents time to get used to the existing situation. Ms Marshall argued that, after all of the work that has taken place in the last 15 years, it would be beneficial to do something like that, which would give the community something they could own, care about and take pride in.

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(d) David Walliker

David Walliker addressed the Development Management Sub-Committee. Mr Walliker indicated that local residents were not against development, but were against this proposal. The Arches and Bingo Hall were covered by their conservation status. A previous appeal for development in this area, had been rejected by the Reporter as it would affect the character of the Leith Walk Conservation Area. There were concerns regarding massing, height, amenity to light and the effect on the character of the conservation area. The development also compromised the character of the urban hinterland area and the mixed building character at the rear of Leith Walk. The development probably did not fulfil the specifications of the Scottish Planning Act of 1997. A previous House of Lords ruling stated that character and appearance should be unharmed, however, for this proposal, this was not the case. This proposal had been overwhelmingly rejected in the consultation 3 years ago. The position of some of the proposed windows and doors would cause privacy issues. Additionally, the height of the block would reduce sunshine over the Bingo Hall. The combined effect of this would have a serious effect on amenity. There were three elements, which were “boxing in”, loss of light and overshadowing. Additionally, LDP Policy Des 5 was probably not fulfilled. Finally, there would be very high site line, combined with a boxing in situation. The new block would be overly visible, be of excessive height and would adversely affect the conservation area.

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(e) Ward Councillor Rae

Councillor Rae addressed the Sub-Committee. She referred to the statement from Councillor Caldwell, which had been circulated and indicated that her views on this were very similar. The Halmrye Place Brief stated clearly that affordable housing was key to Leith Walk. This had not been followed here. Guidelines stated that 50 % of a site, larger than one quarter of a hectare, should be for housing and this had not taken place, so it would fail to meet the requirements of the Brief. This was a breach of best practice guidance, there had been serious compromises made at the expense of affordable housing in favour of student housing, and only 37% of the flats were dual aspect. This would adversely affect lighting levels and the North-East facing flats would be excessively cold. Leith Walk was the most densely populated ward in the City, with a

high percentage of student housing. Previous developments of a lesser high scale had been refused. Because of the increase in population, the local services or facilities would be inadequate. In Leith Walk, the community was very independent, community based and well organised, with a team of experts. In this case, the developers had missed a chance to talk to the community and ignored local expertise, which itself was regretful. Dialogue would have been a better way forward, rather than ignoring the wishes of the community. There was only 13% social housing in this ward and approximately 9,000 people on the waiting list. The Council did not build enough social housing and built too much student housing. The Sub-Committee should consider how this proposal did not work with the Place Brief, did not meet the needs of the community and should therefore be rejected.

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(f) Submission from Councillor Caldwell

The Sub-Committee considered a written submission from Councillor Caldwell. (he had made a transparency statement, as he was a member of Leith Central Community Council when the initial objection was filed.) Councillor Caldwell indicated that the Halmyre Place Brief gave a clear mandate for affordable housing, however, the proposal compromised those principles and unfairly impacted the residents. There were some positives aspects which included affordable housing which went up from 18 to 27 flats (52 beds), student housing which went from 235 beds to 230 beds and transport links had been provided. However, this did not address the following concerns.

There were compromises to affordable housing. This included an uneven mix of housing and student housing. Quality of life compromises had been made to affordable housing to accommodate PBSA. Only 37% of flats were dual aspect, which would compromise the privacy of residential flats and the affordable housing element contained unreasonable compromises to accommodate the PBSA element. The impact on the wider area had not been addressed. The scale of the student development had not been considered in the context of impact on local amenities. Regarding lighting, there would be considerable impact on 129 Leith Walk.

If this application was approved, potential conditions must be considered. This would include moving building block A, which would be a few metres away from existing buildings, an agreement of a portion of Section 75 funding for partial repairs or resurfacing after the works are completed, liaison with Road Operations to ensure residents were not detrimentally affected by increased heavy traffic and finally, the consultation response from the Communities and Families Department rightly requested that a sum of £4,275 per flat went towards Leith Academy.

(g) Applicants

Ross Manson (Manson Planning), Bruce Weir (CW Properties) and Lindsay Manson

(Manson) were heard in support of the application.

Bruce Weir indicated that the MacKay family, were also Edinburgh-based and were the owners of the land. MacKays purchased the land 30 years ago and at that time it was actually larger than the current application site. However, Inchkeith House was sold to the NHS and Allender House was let to the NHS who operated a clinic in this location. The warehouse was let to the Scottish Government for file storage and when the lease came to an end, the warehouse was used by the charity, Project 42, on a rent-free basis for three years, until it moved to Ocean Terminal. Some more land was sold to allow the development of the housing association block on Halmyre Street.

It was important to note that the MacKays, therefore, had a good, solid understanding of the area and had worked well with a number of occupiers and neighbours over this 30-year period. When he approached the Mackays in 2018, they made it very clear that they wanted to retain their ownership in this location and did not want to just sell out. At that point, it was clear that they had a desire to re-develop the site with their main stipulation that they wanted to develop residential flats, that they could operate themselves as a build to rent development. Something that could be developed for the long term, but with a view to providing a service to the community and providing a facility that would be well-operated and managed to the highest standards by the family.

Due to this requirement, it was essential that anything else developed on the site was compatible and therefore the applicant's student partners and affordable housing partners had been handpicked. This was to ensure that the three operating blocks would be managed to a high standard and for the benefit of everyone that lived there, as well as those that travelled through the site. It was important to note, therefore, that the Mackays had a vested interest in making this the most pleasant of places to live and to ensure the longevity and the success of the overall development.

When the applicant started the process five years ago, they had no idea that they would have such long delays in taking their proposals forward, but for a variety of reasons they now reflected on these delays favourably. The Place Brief process had allowed them to positively engage with their surrounding neighbours and they now had a layout that allowed connectivity and open space that would work well with other proposals that may come forward. The applicant had engaged well with the NHS on their building, on their car park, Edinburgh Council Estates Department, on the former Tram Depot and Longstone on the Bingo Hall.

The applicant had also liaised with some of the businesses in Leith Arches and had met on site with other residents, such as Mr. Walliker. Whilst not everyone would be happy to see change in the area, they had taken the time to engage properly, listened to concerns and adapted their proposals to take account of what they believed were genuine concerns, all whilst trying to meet a place brief requirements and three separate operator requirements.

When they altered the proposals, taking account of many of the objections, there were only 43 objections to a revised proposal. The majority of the remaining objections were

focused on the fact that a number of people did not want further students in the area. It was not thought that this was a genuine reason to object, and it was important to note the Place Brief acknowledged student accommodation as being an acceptable use on the site.

Five years on, the Place Brief had brought the applicant to this point whereby they could read through the 16 pages of that document which they had done many times and felt that they had complied and engaged. If this application was approved today, it would ensure that they would be the catalyst for the regeneration of the site, the surrounding sites, if appropriate, and for connectivity in this area, to be enhanced for the benefit of all.

Ross Manson indicated that he was the planning consultant for the applicant. They were here today with a recommendation for the approval of this planning application and they had been on this journey since 2018.

The number of people that had engaged with this project in some shape or form was astonishing, and it had taken a vast amount of work and coordination from everyone and that included the Planning Department. He understood that some might be concerned about the potential risk of creating unbalanced communities by introducing purpose-built student accommodation. However, it was important to note that students also brought benefits, such as local spending, cultural diversity, age diversity, job security and overall economic stimulation.

That being said, new accommodation must be balanced with other forms of housing to mitigate the risk of creating imbalanced communities. In this proposal, the applicant had taken this into account by including flatted accommodation, with a high proportion of on-site affordable housing. In fact, the proposal had 45% housing and 55% student accommodation, with the proportion of affordable housing on the site, increasing to 50%, following feedback from the community.

The City of Edinburgh Council Student Housing Guidance stated that where student concentrations exceeded 50% in a locality, there was a greater potential for an imbalanced community. The applicant's analysis of three localities showed the concentration of students, including the proposal, was nowhere near the 50% stated in the guidance. The immediate centre zone was the smallest locality and had, therefore, the most sensitive and response responsive to new development.

The immediate centre zone would have a student concentration of only 26%. The inclusion of both private and affordable housing in this proposal had effectively mitigated the potential of an imbalance and kept the concentration of students within acceptable levels. Given that the locality had a low concentration of students and the proposal also delivered a high percentage of on-site affordable housing, the applicant felt the proposed mix was justified.

The Student Housing Guidance was introduced to balance the concentration and spread

new-build student accommodation throughout the City. This was one reason why Leith had seen more student housing applications in recent times. The tram corridor was another. Soon enough, students would be able to get the tram from Leith Walk directly to Edinburgh Napier. As part of the planning process and the preparation of the Place Brief, the applicant had collaborated with the adjoining landowners, the applicant, City of Edinburgh Council and Longstone Capital, who were all the stakeholders in the Place Brief.

The Council and Longstone Capital had shared plans with the applicants, showing that both sites could be re-developed for housing in the future. The applicant had been working with the Place Brief Stakeholders to ensure the Place Brief, as envisaged by Edinburgh Council, could be delivered. This meant the applicants had coordinated plans and strategies across all three brownfield sites. Working together, the Stakeholders could deliver the overall Place B strategy and make this quadrant of Leith a welcoming and appealing place to live, work and enjoy.

In conclusion, whilst the applicants were aware of the objections raised in connection with the student accommodation aspect, they believed the low concentration of students in the area and the high proportion of affordable housing proposed, met the requirements of the Place Brief and LDP Policy Hou 8.

Lindsay Manson indicated that he was the Architect and Planning Consultant for the project and as previously reported, they started in 2018. He had a short presentation with a few slides. He was going to communicate the key points for the proposal and he would describe the design approach for the scheme.

To set the scene, their goals at the outset were there to support a clear understanding of the rich industrial past and architectural heritage, both surrounding the site and within the site. Their approach was to ensure that the elements of the Council Place Brief and the community requirements were integrated within the masterplan.

There were many constraints and design challenges within the brief. That had, through continual scheme evolution, betterment and close collaboration with the Council's Design and Planning Officers, allowed the applicant to create the optimum scheme. The slide referred to, was the outline of the site and the backdrop of Edinburgh Castle and the City. In the foreground, was the main red sandstone railway arches, setting that mixed architectural character. They had tenement reform, the Bingo Hall and the listed buildings on Leith Walk and Smiths Place.

One of their early prioritised design goals was to ensure that the new pedestrian routes going through the site were meaningful, creating an attractive and safe place to be and quite importantly connecting with the adjacent urban grain. The image being displayed showed one of these new active spaces in the foreground, overlooked by the student entrance in the centre and by the affordable homes blocks, sitting adjacent and behind the residential units, running along Leith Walk. The new lanes were also overlooked by single storey student gym and amenity block, tucked behind characterful railway arches.

The site at present, was a single storey industrial unit, was underdeveloped and was blocking out opportunity of creating a coherent neighborhood. The Place Brief classified the site as backland. The applicant's new buildings had been designed around new articulated open spaces. The new blocks were purposely varied in shape and form and colour, or contributing to the surrounding Leith character, which could be seen on the current image of some of the two new spaces which had been referred to. One was the existing NHS car park, refreshed, landscaped and integrated with the Master Plan. One was the new central public open spaces, adjacent to the active pedestrian route, running south to north, towards the railway arches.

Private gardens, active frontages, sunny public spaces all contributed to the sense of a new community, with both the adjacent Place Brief Sites and the existing urban grain. The image displayed clearly showed also the historic architectural character of Leith. It was dynamic, varied and it was uplifting. The applicant had adopted that Leith imagery in the geometry of the new buildings with varied roof forms, sensitive change materials and different block heights. The proposed blocks merged with, and complemented, the existing urban grain.

The Place Brief referred to the Bingo Hall and that was what had been done, there are no references absolutely to the height of the Bingo Hall. The Place Brief in a community called for an appropriate built form that integrated into the surrounding area and recognised the architectural character and heritage. The applicant thought they had done this in a manner that would anchor the built form and its new community into the heart of Leith.

Looking east towards Easter Road, it was possible to truly understand the required Place Brief Master Planning for the overall site and the true meaning of the new active transport routes through the site. One of the key new spaces in the development was the creation of a civic space along the New Lane that connected the centre of the site to Leith Walk. The applicant had ensured that the height, scale and density in this area was much reduced, their new single storey amenity block matched the scale of the existing workshop adjacent to the arches.

Similar built form etiquette had been created, a new affordable homes block, adjacent to the rear of the Leith Walk tenements and a new 18-metre wide private garden, had been designed in this area. The next series of images related to how the proposed active travel routes connected to the outer urban grain surrounding the site, in particular the connection to Pilrig Park and core path 7. It also clearly showed how the new routes, within the site, would link with the adjacent Council residential sites to the south and the adjacent Bingo Hall site to the east, both future-proofed and integrated within the Master Plan.

One of the key design parameters was to ensure that a very high percentage of active frontages, overlooking the public spaces and pedestrian routes through the site. Viewing around the blocks on the image, this showed the extent of the ground floor

activity, with student entrance areas, affordable and built-to-rent front doors and gardens, small commercial units, all interspersed with active lifestyles of bike routes and active open space. He meant to indicate that on one of the images, there was an extract from the Place Brief, which was a diagram, which was the synergy between the Master Plan and the Place Brief, in terms of geometric form plan form.

He noted earlier that their goal was to adhere closely to design layout and the aspirations of the Place Brief, making reference to that synergy, which could be seen from the image displayed. The new buildings were generally continuous in the frontage, with specific areas of geometric form. Their composition and proportions were tenemental in character, the public open spaces and private, garden spaces were well delineated, safe and, in this instance, overlooked by the commercial units. The spaces were varied in geometric form and use. They believed they would be uplifting, livable spaces, that would encourage interaction and that sense of Leith character.

Their design approach would ensure the creation of dynamic spaces and the built form variety would always relate to the usable and meaningful spaces between the buildings. Place-making had been at the core of his thinking.

In conclusion, they believed that the scheme could be award-winning, exemplary and be a valuable addition to the least built formats and its emerging dynamic. They could make this a livable, sustainable and productive quadrant, that would optimise a brownfield site, reduce urban sprawl and maximise the potential to deliver a housing-led scheme.

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

[Development Management Sub-Committee - Wednesday 26 April 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Motion

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) An additional informative that the applicant should submit a plan showing greater compliance with the Council's Cycle Factsheet (C7) for all blocks within the site.
- 3) An additional informative that the applicant should explore the use of the proposed commercial units for a suitable community use.

- moved by Councillor Osler, seconded by Councillor Mowat

Amendment

To **REFUSE** planning permission as the proposal was contrary to Edinburgh Local Development Plan Policies Des 1, Des 5 (part a), Hou 8 (part b), Tra 3 and Tra 4 and NPF4 (part 7d).

- moved by Councillor Booth, seconded by Councillor Beal

Voting

For the motion: - 6 votes

For the amendment: - 5 votes

(For the motion: Councillors Cameron, Gardiner, Hyslop, Jones, Mowat and Osler.

For the amendment: Councillors Beal, Booth, Dalgleish, McNeese-Mechan and O'Neil.)

Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) An additional informative that the applicant should submit a plan showing greater compliance with the Council's Cycle Factsheet (C7) for all blocks within the site.
- 3) An additional informative that the applicant should explore the use of the proposed commercial units for a suitable community use.

(References – Development Management Sub-Committee of 8 February 2023 (item 2), report by the Chief Planning Officer, submitted.)

6. 44 Biggar Road, Edinburgh

Details were provided of a Section 42 application seeking to reword condition 7 attached to planning permission ref. 12/00758/FUL, to allow the sale of convenience goods from 248sqm gross sales floorspace at the site at 44 Biggar Road, Edinburgh - application no. 22/04184/FUL

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

Motion

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

- moved by Councillor Osler, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposal was contrary to Edinburgh Local Development Plan Policy Ret 6.

- moved by Councillor Booth, seconded by Councillor Gardiner.

Voting

For the motion: - 8 votes

For the amendment: - 3 votes

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

For the amendment: Councillors Booth, Gardiner, and O'Neil.)

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – Report for forthcoming application by the City of Edinburgh Council for Proposal of Application Notice at Trinity Academy, 1 Craighall Avenue, Edinburgh	Redevelopment of existing Trinity Academy and associated works including alteration of listed buildings (including retention and adaptation of the Victorian building and removal of 1950s /60s extensions), removal of all other existing buildings, and replacement with new school building as extension to the Victorian building and associated new landscaped outdoor areas. Associated buildings including temporary decant buildings on edge of site, relocation of services, alterations to boundary walls, new external works, and site access - application no. 23/01057/PAN	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) The applicant to provide more detail on the interim works, to confirm where was the decant to the school was going and when consultation would take place for that. 3) To note that there was good cycle and pedestrian permeability throughout the site, this should be continued and this should be included in the report.
4.2 – 44 Biggar Road, Edinburgh, EH10 7BJ	Section 42 application seeking to reword condition 7 attached to planning permission ref. 12/00758/FUL, to allow the sale of convenience goods from 248sqm gross sales floorspace at the site - application no. 22/04184/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer. (on a division)
4.3 – 2 & 4 Canning Street Lane, Edinburgh, EH3 8ER	Change of use from residential to serviced apartments (sui-generis) - application no. 22/04304/FUL	To REFUSE planning permission subject to the reasons as set out in section C of the report by the Chief Planning Officer.
4.4 – 1 East Rigg Farm, Balerno, EH14 7JR	Erect 3x holiday huts and associated works - application no. 22/06141/FUL	To REFUSE planning permission subject to the reasons as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.5 – 159 Fountainbridge, Edinburgh (Site At Former)	Approval of matters specified in conditions 1 (a-m) and (i)-(v), 2, 3, 4, 5, 7, 8, 9, of PPP application ref: 19/03097/PPP, relating to plots W1-W4 including residential/commercial/retail units; detail of height, massing, ground floor levels, design of external features and materials including public realm, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, lighting, waste management and hard and soft landscaping details (as amended) - application no. 22/04045/AMC	To APPROVE matters specified in conditions subject to the conditions, reasons, informatives and a memorandum of agreement as set out in section C of the report by the Chief Planning Officer, and an additional informative that the applicant shall explore the provision of cycle parking in order to decrease the provision of two-tier racks and increase the provision of non-standard bike racks across the site.
4.6 - 10 Gilmerton Station Road, Edinburgh (At Land 292 Metres West Of)	Proposed residential development, including bike/bin stores, associated infrastructure, access, landscaping and engineering works - application no. 22/02912/FUL	To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
4.7 - 5B Hope Terrace, Edinburgh, EH9 2AP	Erect dwelling - application no. 22/06107/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
4.8 - 4 Oversman Road (Land 160 Metres Northeast Of), Edinburgh	Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping - application no. 22/05666/PPP	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.9 - Ravelston Dykes Road	Confirmation of Tree Preservation Order No. 202.	To CONFIRM Tree Preservation Order No. 202
4.10 - 4 Sunbury Street, Edinburgh, EH4 3BU	Retrospective change of use from residential to short term let (Sui-Generis) - application no. 22/04981/FULSTL	To REFUSE planning permission subject to the reasons as set out in section C of the report by the Chief Planning Officer.
5.1 - 7-7 A Newcraighall Road, Edinburgh, EH15 3HH	Residential development (as amended) - application no. 21/02559/PPP	To AGREE to a further six-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.
5.2 - 10 Orchard Brae, Edinburgh, EH4 1PF	Proposed residential and office development comprising the change of use, extension and alteration of the existing office building to form residential accommodation and office/co-working space, demolition of the existing rear extension and erection of a new build residential development; with associated active travel routes, open space, parking and other infrastructure (as amended) - application no. 21/06512/FUL	To GRANT planning permission subject to the conditions, reasons, informatives, a legal agreement and NPF4 considerations as set out in section C of the report by the Chief Planning Officer.
5.3 - 28 St Andrew Square, Edinburgh, EH2 1AF	Proposed internal and external alterations to existing office building (class 4) to include removal of current extension and the provision of a new rear and rooftop extension, including cycle parking and associated facilities (as amended) - application no. 21/04282/FUL	To GRANT planning permission subject to the conditions, reasons, informatives, a legal agreement and a stopping up order, as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
6.1 - 43 Main Street, Edinburgh, EH4 5BZ - application no. 22/04940/FUL	Protocol Note by the Service Director – Legal and Assurance	Noted.
6.2 - 43 Main Street, Edinburgh, EH4 5BZ	48 bed care home at Main Street, Davidson's Mains, Edinburgh - application no. 22/04940/FUL	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. 2) An additional informative that the applicant shall submit a plan showing additional cycle parking in the form of Sheffield Racks (or other suitable rack to be agreed with the Planning Authority) within the application site boundary. 3) An additional informative that the applicant shall explore options regarding the installation of water butts for grey water within the application site. <p>Note: Transport officers to send email to members to clarify whether the 20% accessible spaces applied to what they were delivering or the minimum requirement.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
6.3 - 139 Leith Walk, Edinburgh (At Land to East of) - application no. 22/01563/FUL	Protocol Note by the Service Director – Legal and Assurance	Noted.
6.4 - 139 Leith Walk, Edinburgh (At Land to East of)	Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park - application no. 22/01563/FUL	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. 2) An additional informative that the applicant shall submit a plan showing greater compliance with the Council's Cycle Factsheet (C7) for all blocks within the site. 3) An additional informative that the applicant shall explore the use of the proposed commercial units for a suitable community use. <p>(On a division.)</p>
7.1 - 6 Bankhead Crossway South, Edinburgh, EH11 4EZ	Change of Use from warehouse to a swimming pool to train babies and children - application no. 22/05278/FUL	<p>To CONTINUE consideration of the application to provide more information on the level of demand for this industrial unit.</p> <p>(on a division.)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
7.2 - Bonnington Mains Quarry (At Land 177 Metres West of), Cliftonhall Road, Newbridge	Development of field for ancillary quarrying operations - application no. 22/02513/FUL	To CONTINUE consideration of the application for a site visit and hearing.
7.3 - Bonnington Mains Quarry (At Land 177 Metres West of), Cliftonhall Road, Newbridge	Extraction of Quartz-Dolerite and erection of plant and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application no. 22/02514/FUL	To CONTINUE consideration of the application for a site visit and hearing.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 10 May 2023

Present:

Councillors Osler (Convener), Bennett, Booth, Cameron (Items 1.1-5.2), Dalgleish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat and O'Neill.

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in sections 4, 5 and 6 of the agenda for this meeting.

Requests for a Presentation:

Councillor Booth – Item 4.2 - 1F4 125 Constitution Street, Edinburgh, EH6 7AE – application no. 22/03457/FUL.

Decision

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

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

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

At its meeting of 1 March 2023, the Development Management Sub-Committee agreed to continue consideration of application's 22/05886/FUL and 22/05884/CON.

The application for planning permission was for the proposed demolition of existing office buildings and the 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.

The application for conservation area consent was for the complete demolition in a conservation area – application no. 22/05884/CON.

(a) Report by the Chief Planning Officer

The application was 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 was as follows:

- General Housing: five-bedroom x 2, three-bedroom x 15, two bedroom x 19 and one-bedroom x 1 = 37
- Affordable Housing: two-bedroom x 4 and one-bedroom x 8 = 12

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

An associated application for conservation area consent had been submitted for the demolition of the existing buildings on the site.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/771938

(b) Edinburgh World Heritage – Christina Sinclair

Christina Sinclair from Edinburgh World Heritage circulated a statement as she could not attend the meeting. Ms Sinclair argued that the redevelopment had the potential to add a layer of interest to Edinburgh's rich architectural legacy, however the proposal needed to be revised in order to conserve and enhance the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage sites. She argued that the building was too tall, and suggested that by revising the height of the building and adding things such as contextual architectural depth would make the development more appealing to Edinburgh World Heritage. She argued that the application as presented was considered to have a harmful impact on the OUV of the World Heritage Site and therefore they could not support the proposals at this stage.

(c) Newtown and Broughton Community Council – Annick Gaillard

Annick Gaillard addressed the Committee on behalf of Newtown and Broughton Community Council. Ms Gaillard stated that the Newtown and Broughton Community Council had concerns over the removal of trees, and the building line – specifically on Dundas Street. The Community Council had acknowledged that the set backs had been amended since the previous application, but they still had concerns about them as they were a partial obstruction. The Community Council also advised that residents had not been consulted, and consideration that there were trees in the basement well which would cause limited parking for residents. The Community Council argued that the development would cause an impact on their day to day lives. They therefore asked for the application to be refused.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/771938

(d) Chris Day – Resident of Dundas Street

Chris Day addressed the Committee on behalf of residents in the area. Mr Day argued that the development would dominate the area for decades, in ways which other buildings do not. He argued that the street pattern would be different if the development were to

be built, and the grid layout of the street would be impacted. Mr Day also argued that the street trees were important at blending in existing buildings, and believed they were characteristic of the area. They therefore wished that the application be refused.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/771938

e) Nicholas Morris on behalf of Anne Russell

Nicholas Morris addressed the Committee on behalf of resident Anne Russell. Mr Morris advised that the proposal would have a detrimental impact on his client. He explained that there would be a loss of privacy and views from her flat. He argued that sunlight to his clients building would be hugely compromised if the application was granted. He argued that the application be refused using Local Development Plan policy DES 5.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/771938

f) Applicants and Applicant's Agent

Andrew Rennick, Paul Scott, Guy Morgan, Craig Ormond, Andrew Mickel and Chirs Thomson were in attendance in support of the application.

Guy Morgan, the architect for the development, spoke on behalf of the applicant. Mr Morgan argued that the development was an opportunity for positive change in Edinburgh. He argued that the proposed development was recommended for approval by Edinburgh Council and complied with the Local Development Plan. He explained that the flats would introduce 25 affordable flats, and was in line with the 20 minute neighbourhood scheme. Mr Morgan also argued that the development would help contribute to a net zero Edinburgh due to the greenery, and would contribute an additional £100,000 Council Tax and Business Revenue for Edinburgh Council every year. Mr Morgan explained that privacy issues had been mitigated by removing a top floor terrace space.

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

https://edinburgh.public-i.tv/core/portal/webcast_interactive/771938

Motion

To **GRANT** planning permission subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
 - 2) An additional condition covering detailing of the specific screen planter in addition to being maintained in perpetuity, but also specific drawing details come in of the planter and the proposed planting that would be in it. (1.20.36)
 - 3) An additional condition that the applicant introduce additional cycle parking at the development.
- moved by Councillor Osler, seconded by Councillor Gardiner.

Amendment

- 1) To **REFUSE** planning permission as the proposal was contrary to Local Development Plan policy Des 5 citing residential amenity and privacy.
 - 2) To **REFUSE** conservation area consent as the proposals were contrary to Policy 7g of NPF 4.
- moved by Councillor Mowat, seconded by Councillor Jones.

Voting

For the motion: - 5 votes
For the amendment: - 5 votes

(For the motion: Councillors Bennett, Dalglish, Gardiner, McNeese-Mechan and Osler.

For the amendment: Councillors Booth, Hyslop, Jones, Mowat and O'Neill.)

There being no overall majority, the Convener exercised her right to a casting vote, and voted for the amendment.

Decision

- 1) To **REFUSE** planning permission as the proposal was contrary to Local Development Plan policy DES 5 citing residential amenity and privacy.
- 2) To **REFUSE** conservation area consent as the proposals were contrary to Policy 7g of NPF 4.

(References – Development Management Sub-Committee of 1 March 2023 (item 7.1), report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
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	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions, reasons, informatives and conclusion of a legal agreement as set out in section C of the report by the Chief Planning Officer.
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	To REFUSE planning permission subject to the reasons as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.5 – 16 Ravelston Dykes Road, Edinburgh, EH4 3PB	Demolition/replacement of existing house - application no. 22/04322/FUL	To GRANT planning permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions, reasons and a legal agreement and NPF4 considerations as set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions, reasons, informatives, a legal agreement and NPF4 considerations as set out in section C of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
6.1 - Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no's. 22/05886/FUL & 22/05884/CON	Protocol Note by the Service Director – Legal and Assurance	Noted.
6.2 - 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. 22/05886/FUL	To REFUSE planning permission as the proposal is contrary to Local Development Plan policy DES 5 citing residential amenity and privacy. (on a division)
6.3 - Centrum House, 108 - 114 & 116 Dundas Street, Edinburgh	Complete demolition in a conservation area - application no. 22/05884/CON	To REFUSE planning permission as the proposals are contrary to Policy 7g of NPF 4. (on a division)

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Development Management Sub Committee

Wednesday 21 June 2023

Report for forthcoming application by

Balfour Beatty Investments Ltd. for Proposal of Application Notice

23/02186/PAN

at 140 Causewayside, Edinburgh, EH9 1PR.

Demolition of existing building and development of purpose-built student accommodation with landscaping, infrastructure, access and associated works.

Item number

Report number

Wards

B15 - Southside/Newington

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the demolition of the existing buildings on site and the erection of a purpose-built student accommodation development and ancillary uses at 140 Causewayside, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/02186/PAN on 18 May 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The development site is an oblong shape, covering an area of 0.18 hectares, and lies to the south of the City Centre. The site has an existing building which was formerly used as an office.

The site comprises the main building fronting Causewayside, and an area of hardstanding to the north. The site is bounded to the west by residential gardens, and to the east, north and south by commercial and residential uses.

This application site is located between (but outwith) the Blacket Conservation Area and the Grange Conservation Areas.

This application site is located within the Grange Conservation Area.

2.2 Site History

There is no relevant site history.

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for the demolition of the existing buildings on site and the erection of a purpose-built student accommodation development with ancillary uses. No details have been submitted regarding number of units, type of accommodation, access or design.

3.2 Key Issues

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

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

The site is within the urban area in the Edinburgh Local Development Plan (LDP). The principle of the development may be acceptable, subject to compliance with other policies in the plan.

National Planning Framework 4 (NPF4) now forms part of the Development Plan. Policies in relation to Sustainable Places and Liveable Places, including those in relation to 20-minute neighbourhoods, climate change and biodiversity, blue and green infrastructure, and sustainable transport, will be important cross-cutting policy considerations.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted, City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

b) The design, scale and layout are acceptable within the character of the area; and does the proposal comply with the Edinburgh Design Guidance;

The application will be for full planning permission. Notwithstanding the above commentary in relation to the status of City Plan 2030, at the time of writing the proposal will be considered against LDP design policies, NPF 4 requirements, and the Edinburgh Design Guidance. The applicant will need to demonstrate a high-quality design and the suitability of the proposed layout, height, mass and scale of development within its context. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed. A design and access statement will be required to accompany the application.

c) Access and sustainable transport arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to the Council's transport policy and guidance, as well as NPF 4 policy 13 (Sustainable Transport). Consideration should be given to any impact of traffic flows on local roads, with a view to maximising sustainable travel modes including public transport and active travel. Integration of the proposal with the surrounding road and path network will be important and a servicing strategy inclusive of waste and recycling arrangements will be required. Transport information will be required to support the application to demonstrate compliance with the Council's Cycle Factsheet.

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

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape/Townscape and Visual Impact information;
- Archaeological Assessment;

- Ecology Appraisal;
- Flood Risk information and Surface Water Management Plan;
- Air Quality Impact Assessment;
- Tree Survey
- Noise Impact Assessment and
- Phase 1 Habitat and Protected Species Survey.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

Environmental Impact Assessment:

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 23/02186/PAN) outlined:

Two public events; Event 1 - 15 June 2023 from 4pm to 7.30pm at Mayfield Salisbury Church, 18 W Mayfield, Edinburgh, EH9 1TQ
Event 2 - 27 July 2023 from 4pm to 7.30pm at Mayfield Salisbury Church, 18 W Mayfield, Edinburgh, EH9 1TQ

- Newspaper advertisements in the Edinburgh Evening News seven days prior to both events.
- Creation of project website with digital copies of exhibition materials accessible to the public available at www.140causewayside.scot
- Local leaflet drop to publicise the public consultation events and letters to immediate neighbours.
- Invitation to meet with the local community council.
- A copy of the PAN has been sent to all relevant parties including Grange and Prestonfield Community Council, local ward councillors, and the constituency MP and MSP.

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

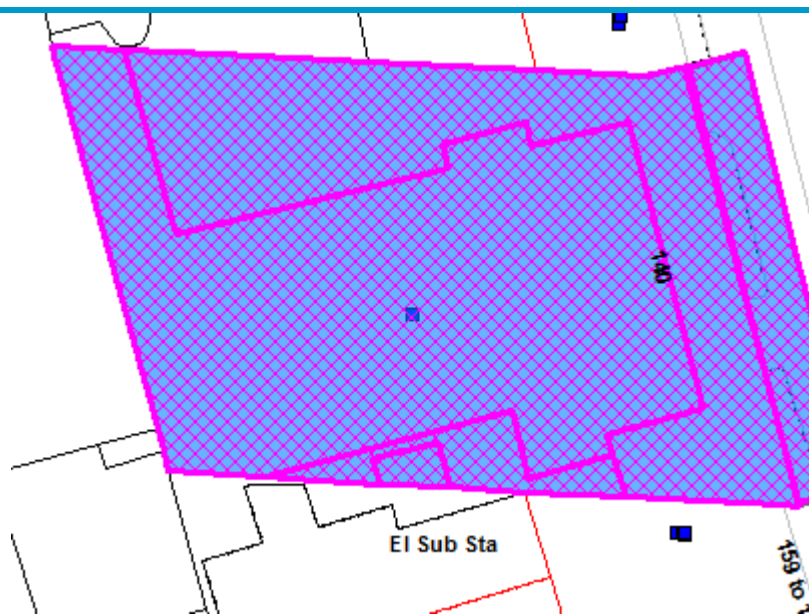
Background reading/external references

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

David Givan
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Location Plan



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Development Management Sub Committee

Wednesday 21 June 2023

Report for forthcoming application by

**Miller Homes & Roseberry Estates. for Proposal of
Application Notice**

23/01816/PAN

at land at Turnhouse Road, Edinburgh.

**Proposed residential development with associated
drainage, landscape, and infrastructure works.**

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for proposed residential development with associated drainage, landscape and infrastructure works at Land to the south of Turnhouse Road (south of Turnhouse Golf Club), Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/01816/PAN on 25 April 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The development site is a roughly triangular area of land situated in West Edinburgh and is currently in an undeveloped condition. The site is surrounded to the north and northeast by Turnhouse Road, to the south and south west by a railway line, and to the south east by other land which forms part of an area of housing-led development. The eastern part of the site abuts 35, 35A and 35B Turnhouse Road, currently in use as a motor vehicle maintenance garage, car showroom, and commercial unit. Turnhouse Golf Club is opposite the site across Turnhouse Road. A Scottish Gas network site lies immediately to the north along with an existing storage yard. There are few built or natural features within the site boundary, the existing topography is relatively flat, and a hedge forms a boundary between the site and Turnhouse Road in some places.

The site forms part of the Urban Area as shown in the Local Development Plan proposals map and is within the HSG 19 Housing Proposal: Maybury.

2.2 Site History

05 July 2022 - A proposal of application notice for a residential development, access, landscaping and associated works at Land at Turnhouse Road, Maybury was approved (application reference: 2/03180/PAN).

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for proposed residential development with associated drainage, landscape and infrastructure works. No details have been submitted in relation to the number of units, type of housing, access, design, or associated works.

3.2 Key Issues

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

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

The site is designated in the 2016 Edinburgh Local Development Plan (LDP) for housing, HSG 19 Maybury. The application will be required to comply with the Maybury and Cammo site brief outlined in the LDP, which sets out the key features and requirements for new development in this part of the City.

In addition to LDP considerations, the applicant would be required to address relevant policy requirements in National Planning Framework 4 as it forms part of the Councils' development plan. Policies in relation to Sustainable Places and Liveable Places, including those in relation to 20-minute neighbourhoods, quality homes, climate change and biodiversity, blue and green infrastructure, and sustainable transport, will be important cross-cutting policy considerations.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted both City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

Prior to the adoption of City Plan 2030, material considerations include recent appeal decisions in West Edinburgh which have taken a view that development may be premature in the context of the emerging City Plan 2030 where it would potentially prejudice its examination. In this case an option for a public transport and active travel orbital route is identified at this site in the City Plan 2030 Proposals Map. An application may be required to consider whether the proposal has any effect(s) on the delivery of the proposed transport strategy that underpins the development of West Edinburgh in City Plan 2030.

b) The design, scale, layout and sustainability aspects of the proposal are acceptable within the evolving character of the area; and does the proposal comply with the Edinburgh Design Guidance.

The application will be for full planning permission. Notwithstanding the above commentary in relation to the status of City Plan 2030, at the time of writing the proposal will be considered against the Maybury and Cammo site brief, LDP design policies, NPF 4 requirements, and the Edinburgh Design Guidance. The applicant will need to demonstrate a high-quality design and the suitability of the proposed layout, height, mass and scale of development. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, quality homes and the six qualities of successful places will have to be clearly addressed. The proposal will also be required to demonstrate how it is co-ordinated in the context of approved development that is under construction at the other parts of LDP housing allocation HSG 19. A design and access statement will be required to accompany the application.

c) Access and sustainable transport arrangements are acceptable in terms of road safety and public transport accessibility;

The proposal should have regards to the Council's transport policy and guidance, as well as NPF 4 policy 13 (Sustainable Transport). Consideration should be given to any impact of traffic flows on local roads, with a view to maximising sustainable travel modes including public transport and active travel. Integration of the proposal with the surrounding road and path network will be important and a servicing strategy inclusive of waste and recycling arrangements will be required. A transport statement will be required to support the application.

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

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement;
- Landscape and Visual Impact information;
- Archaeological Assessment;
- Ecology Appraisal;
- Flood Risk information and Surface Water Management Plan;
- Air Quality Impact Assessment;
- Noise Impact Assessment and
- Phase 1 Habitat and Protected Species Survey.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

Environmental Impact Assessment:

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 23/01816/PAN) outlined:

- A first consultation event to be held on Tuesday 30 May 2023 from 2pm - 6pm and a second event to be held on Tuesday 27 June 2023 from 2pm - 6 pm, both at Turnhouse Golf Club, 154 Turnhouse Road, Edinburgh EH12 0AD.
- Newspaper advertisements in the Edinburgh Evening News seven days prior to both events.
- A website (<https://mhland.uk/LandatTurnhouseRoad>) which will be live either the day prior or the day of public events.
- A copy of the PAN has been sent to all relevant parties including Ratho & District Community Council, adjacent Community Councils (Corstorphine Community Council, Cramond & Barnton Community Council & Drum Brae Community Council) local ward councillors, and the constituency MP and MSP.

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

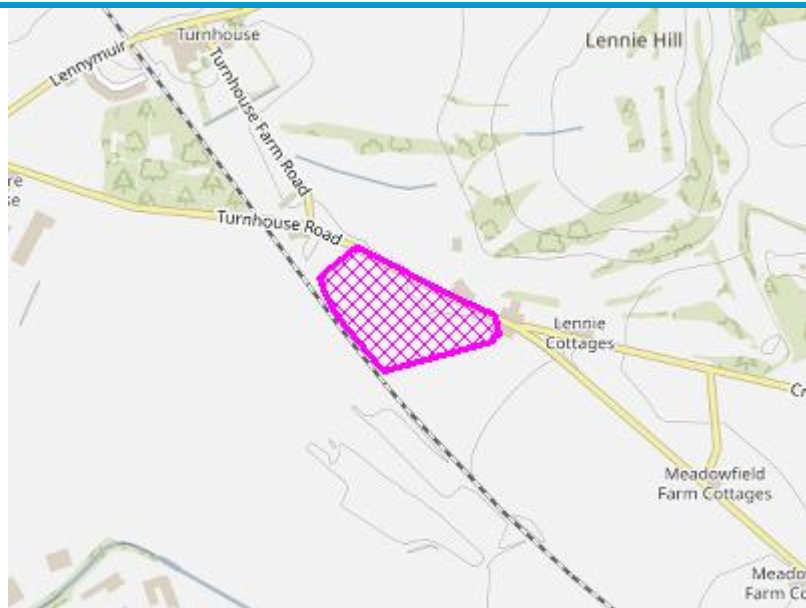
Background reading/external references

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

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Location Plan



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Development Management Sub Committee

Wednesday 21 June 2023

Report for forthcoming application by

Cruden Homes Ltd. for Proposal of Application Notice

23/02215/PAN

**At Site 250 Metres East Of 11 West Shore Road,
Edinburgh,**

Residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre.

Item number

Report number

Wards

B04 - Forth

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application for residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre at land 250 metres east of 11 West Shore Road, Edinburgh. The application will be a national development.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/02215/PAN on 22 May 2023.

Links

Coalition pledges
Council outcomes

Single Outcome
Agreement

Recommendations

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

Background

2.1 Site description

The site relates to a number of plots associated with the Granton Waterfront Development Framework and is split into two areas. The total area is approximately 23 hectares.

The northern section is centred around the listed gas holder and comprises of undeveloped scrub land and trees. It is uneven in places. The area of the site at the northern end reaches up to West Shore Road, takes in the current Social Bite Village and sits at a considerably lower level. To the north of the site are various industrial uses. A large area of parkland exists along the southern boundary of the site.

The southern section is to the east of the Granton Station building and the residential development at Plot D1 which is currently under construction. It is bounded to north and west by Waterfront Avenue, with West Granton Road forming the southern boundary. The eastern boundary follows the existing diagonal cycle/footpath route. There is a change in levels between West Granton Road and the cycle path. To the east of this part of the site is the National Museum Scotland complex.

A large portion of the wider surrounding area has been developed out under a previous masterplan. This includes flats to the south, Edinburgh College, a large food store with associated smaller units (forming a local centre) and filling station, all located to the south and east of the site. At a central location between the northern and southern parts of the site is the former Scottish Gas offices.

There are a number of listed structures within the area.

The Gas Holder, which has permission for its restoration and associated public realm works, is B listed (ref: 45793, listed 10 November 1998) and the Granton Station building, which has recently been renovated, is B listed (ref: 45794, listed 10 November 1998).

The A listed Caroline Park House (ref 28040, listed 14 July 1966) and the B listed dovecot and boundary wall (originally part of the former Granton Castle/Granton House) (ref: 28139, listed 14 December 1970) adjoins the site to the northeast.

The site is located within the Urban Area as shown on the Local Development Plan proposals map. The land is identified as being within Edinburgh Waterfront. Proposal EW 2a (Forth Quarter) states that the area is for a housing-led mixed-use development. It sets out a number of Development Principles for the area. A tram safeguard runs along the Waterfront Avenue corridor. North of the site are SPA, Ramsar and SSSI designations.

2.2 Site History

Relevant site history includes:

13 October 2003 - outline planning permission for mixed use development (including retail, food and drink, public house, residential, education, business, leisure/assembly/hotel, open space, and associated landscaping) (as amended) (application number 00/01169/OUT).

26 February 2020 - Granton Waterfront Development Framework approved as non-statutory planning guidance.

26 August 2022 - listed building consent granted to repair and refurbish the existing Granton Gas Holder Category B Listed Guide Frame (application number 22/01327/LBC).

2 February 2023 - planning permission granted for public realm improvements to the site surrounding the Gas Holder (application number 22/05318/FUL).

Adjacent land

30 January 2004 - planning permission granted for erection of a new college for further and higher education on land to the south (application number 03/00733/FUL) Completed (Edinburgh College).

30 April 2004 - planning permission granted for the Fourth Quarter Park approximately 7 hectares in size on land to the south (application number 02/04578/FUL). Completed.

31 October 2006 - planning permission granted for a supermarket (7,271 sqm), retail and business (class 1, 2 or 3) (188 sqm), office (class 2 or 4) (358 sqm), office (class 4) (2,157 sqm), bar / restaurant use (873 sqm), petrol filling station and student accommodation (187 bedspaces) on land to the south (application number 04/02410/FUL). Completed.

22 October 2020 - planning permission granted for the refurbishment of former Granton station building to include continued Class 4 Business use with ancillary service space (application number 20/02717/FUL).

22 October 2020 - listed building consent granted for the refurbishment of former Granton station building including external and internal alterations to the building and additional works to the surrounding site to remove structures and to provide improved access and enclosure (application number 20/02718/LBC).

10 March 2022 - planning permission granted for mixed use development to include 75 residential units and (approximately) 3 commercial units and associated landscaped and servicing (As Amended) (application number 21/04049/FUL).

Main report

3.1 Description of the Proposal

A forthcoming planning application comprising residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre is anticipated. The application will be a national development.

3.2 Key Issues

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

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

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

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

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

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

The site is within the Edinburgh Waterfront: Forth Quarter (EW 2a) in the Edinburgh Local Development Plan (LDP). This is part of an identified housing proposal site for a major housing-led mixed use regeneration opportunity.

The LDP sets out a number of Development Principles including completing the approved street layout and perimeter block urban form and provide a housing mix that is appropriate to the site in terms of placemaking and would maximise completions within this urban regeneration proposal within the plan period.

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission for development which will contribute towards the creation of new urban quarters at Granton Waterfront. This requires (amongst other matters) comprehensively designed proposals which maximise the development potential of the area, the provision of a series of mixed-use sustainable neighbourhoods, proposals for a mix of house types, sizes and affordability and transport measures such as the provision of a network of paths for pedestrians and cyclists.

The approved Granton Waterfront Development Framework (GWDF) principles (February 2020) shows the site for housing-led mixed-use development.

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. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen-month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

c) The design, scale, layout, and sustainability aspects of the proposal are acceptable within the evolving character of the area; and does the proposal comply with the Edinburgh Design Guidance.

The proposal will be considered against NPF 4 requirements, LDP design policies, the Edinburgh Design Guidance, and the Granton Waterfront Development Framework. The applicant will need to demonstrate a high-quality design and the suitability of the proposed layout, height, mass, and scale of development. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, quality homes and the six qualities of successful places will have to be clearly addressed. A design and access statement will be required to accompany the application.

d) Access and sustainable transport arrangements are acceptable in terms of road safety and public transport accessibility.

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

The proposal should ensure that it does not impact on the tram safeguard.

Transport information and details of servicing will be required to support the application.

e) There are any other environmental factors that require consideration.

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

- Pre-Application Consultation report.
- Planning Statement.
- Design and Access Statement.
- Statement of Community Benefit.
- Tree Survey.
- Sustainability Details.
- Transport information.
- Landscape and Visual Impact information.
- Archaeological Assessment.
- Ecology Appraisal.
- Flood Risk information and Surface Water Management Plan.
- Air Quality Impact Assessment; and
- Noise Impact Assessment.

The above is not an exhaustive list and other supporting details or assessments may be identified prior to the application being submitted or during the application assessment stage.

The proposed development has been screened for an Environmental Impact Assessment (EIA) - ref. 21/02676/SCR. On the basis of the assessment carried out in accordance with the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017) and Circular 1/2017 it has been concluded that an EIA will not be required for this proposal.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance, and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions one on 13 June 2023 (4pm-7pm) and one on 17 June 2023 (11am-2pm) at the Granton Station building. Other consultation methods include a consultation web page alongside the use of flyers and posters.

The Proposal of Application Notice was sent to Local Ward Councillors, Granton and District Community Council, West Pilton and West Granton Community Council, Galleries of Scotland, Museums of Scotland, and Edinburgh College.

The results of this consultation will be submitted with the future planning application as a Pre-application Consultation (PAC) Report.

Background reading / external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jamie Carver, Planning Technician

Location Plan



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END

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
land 16 metres southeast of 25 Argyle Crescent, Edinburgh.**

Proposal: Erection of 2x new build, 3 storey, semi-detached townhouses on gap site (as amended).

**Item – Committee Decision
Application Number – 23/00897/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 17 letters of objection have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

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 site is a gap site located to the south of Argyle Crescent. It is set within an area of two storey detached and semi-detached Victorian and Edwardian villas in a residential area. The area is characterised by stone walls and slate roofs. Many of the houses in the area have been subdivided to form flats.

To the rear of the site is a tree covered embankment that rises to Sir Harry Lauder Road. To the front of the site is a high privet hedge.

To the east of the site, 23 and 23A Argyle Crescent is a category B listed building (LB reference: LB26737, listed on 4 September 1995).

The site is within Portobello Conservation Area.

Description of the Proposals

The application proposes the erection of two new, semi-detached, houses. The houses will be two main storey, with a third floor within the proposed roofspace. A single storey element will be located to the rear of the houses. The existing site area is approximately 975 sqm.

The design of the new houses is contemporary in style, with a grey standing seam roof featuring modern style dormer windows and buff brick walls to the front elevation. To the side and rear it is proposed that the houses will be finished in white render.

Proposed landscaping will consist of grass and paving. To the street, new railings above the existing stone wall are proposed to enclose the front garden area. One off street parking space is to be located within the front garden of each property with external cycle storage provided.

Supporting documents

The following documents have been provided to support the application:

- Design & Access statement;
- Tree Survey Report;
- Drainage Details and Layout.

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

Relevant Site History

11/01396/FUL
Land 16 Metres Southeast Of
25 Argyle Crescent
Edinburgh

Renew of planning permission 05/04163/FUL for the erection of a pair of semi-detached houses (as amended).

Granted

24 June 2011

14/02387/FUL

Land 16 Metres Southeast Of 25

Argyle Crescent

Edinburgh

Application for renewal of planning consents for the erection of 2 semi-detached houses at 25 Argyll Crescent Edinburgh EH15 2QE, (previous consents; 05/04163/FUL, and 11/01396/FUL).

Granted

18 August 2014

15/01849/FUL

Land 16 Metres Southeast Of 25

Argyle Crescent

Edinburgh

Three new build two storey pitched roof 3/4 bedroom terraced dwellings.

Granted

25 August 2015

Other Relevant Site History

No additional history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport Planning

Children and Families

Flood Planning.

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

Publicity and Public Engagement

Date of Neighbour Notification: 9 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 March 2023

Site Notices Date(s): 14 March 2023

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) The proposals harm the listed building and its setting?

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires assessment of the proposals in relation to any potential harm to Listed Buildings or their settings.

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

- Managing Change in the Historic Environment: Setting.

The proposals shall not harm the setting of the Category B Listed Building adjacent to the site. This is due to the separation distance involved, and the fact that the houses have been sensitively designed in order to appear subservient to the listed building. The materials are appropriate and will not detract from the setting or character of the listed building.

Conclusion in relation to the listed building

There will be a neutral impact on the setting of the listed building directly to the east of the application site.

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

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

- Historic Environment Policy for Scotland (HEPS)
- Managing Change: Setting

The Portobello Conservation Area Character Appraisal notes that "streets became wider in the Victorian era, continuing the pattern of small front gardens and larger back gardens. Most streets were serviced by back lanes, although the railway line prevented this from happening on the south side of Argyle Crescent.

The development of new buildings in a Conservation Area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. Therefore, while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area; in other cases modern designs sympathetic and complimentary to the existing character of the area may be acceptable.

The proposals will be a contemporary addition that will be sympathetic to the surrounding conservation area but do not propose a pastiche reproduction of the historic buildings. The design and layout of the building is appropriate and respects the urban grain of the area. While buff brick is proposed for the front elevation, a condition is recommended to ensure that an appropriate stone is used. The use of appropriate materials on the building will contrast, but not significantly detract from the traditional materials which are characteristic of the surrounding area. The proposals will preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal preserves 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 sustainable places policies 1, 2, 3, 7, 9, 12, 13
- NPF4 liveable places policies 14, 15, 16, 19, 20, 22, 23
- LDP environment policies Env 21 and Env 22
- LDP housing policies Hou 1, Hou 2, Hou 3, Hou 4,
- LDP design policies Des 1, Des 3, Des 4, Des 5, Des 8
- LDP transport policies Tra 2 Tra 3 and Tra 4.

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

The 'Edinburgh Design Guidance' (EDG) is a material consideration that is relevant in the consideration of several LPD design, and transport policies.

Principle

NPF4 policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant land will be supported. Although the site has not previously been developed, it has an extensive planning history for use as a residential development site and assessment against other relevant policies has been made below in accordance with NPF4 Policy 9.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing on suitable sites provided proposals are compatible with other policies in the plan. The proposal for residential dwellings at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

Climate mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) 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 an existing developed site for alternative uses.

NPF4 Policy 2 a) (climate mitigation and adaption) 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.

Measures are proposed to ensure building fabric performance overall energy consumption will meet relevant building standards. The energy strategy removes all requirements for fossil fuels and includes air source heat pumps for space heating. A solar PV array is proposed on the rear elevation of the main roofslope which is south facing.

Sustainable transport is prioritised by the low car parking levels proposed in the new development, private cycle storage and location within an established residential area.

Historic Environment

NPF4 Policy 7 (Historic assets and places) 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. This policy 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.

Design and Materials

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

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The plot is located in an area which is historically characterised by low density development. The design and materials of the proposed alterations will not detract from this established character. The proposed dwellings will occupy a similar footprint to other semi-detached properties in the area. The building will not extend beyond the building line of the adjacent properties.

The proposed dwellings will be a matching pair of semi-detached houses spread over three levels. The use of bay windows is commonly found in the street, but the proposal will make use of a contemporary design to the proposed dormer windows which will be complimented by the use of modern materials.

Scheme 1 originally showed the side elevations to be finished in render. This was revised to brick to match the front elevations and provide better continuity in the materials palette. In addition, the existing dwarf stone wall to the front boundary of the site is to be retained and altered.

The Edinburgh Design Guidance seeks that natural sandstone will be used as the main external building material in development where sandstone is the dominant material on neighbouring buildings or in the surrounding area, particularly within conservation areas. This is particularly important on facades that can be seen from the street. Therefore, a condition is recommended in order to seek sandstone on the principal elevation.

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

An outline landscaping plan has been provided. It contains areas of paving and grass with planters to the front garden. The revised scheme has included the retention of an existing tree within the rear garden of one of the houses. A condition has been added requiring specification details and that the landscaping is carried out within a specified timescale.

Amenity for existing neighbours and future occupiers

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring residential properties is not adversely affected in terms of loss of privacy or natural light.

As the main part of the proposed buildings broadly matches that of the adjacent properties, there will be no significant loss of daylight to habitable rooms or sunlight to garden ground. Gable windows on neighbouring houses are not protected under the EDG.

Although there will be a loss of privacy to neighbouring rear garden ground as a result of the proposed development, this will not be direct facing and at oblique angles only. Consequently, the positioning of the proposed buildings on the site is found to be acceptable.

The proposed development will provide future occupiers with high levels of daylight and sunlight to front and rear rooms. The occupiers will benefit from a generous plot with considerable rear garden ground.

Flooding and Drainage

A Surface Water Management Plan (SWMP) has been submitted which includes a drainage strategy. The proposed surface water is to be collected from each property and discharged into a 'surface water soakaway pit' located in the rear gardens of both properties.

The proposal causes no significant flood risk to the surrounding area. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Biodiversity enhancements will be delivered through the landscape plan. It is recommended that a condition be added encouraging other measures such as swift bricks in the new roof form.

Transport

NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

LDP policy Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance with appropriate design and layout.

The application includes provision for one off street parking space within the front garden which meets the maximum standards in the EDG. The site is located close sustainable transport options with local facilities available on Portobello High Street.

The cycle parking provision will be within enclosed storage facilities in the garden ground of each house.

Infrastructure

NPF4 Policy 18 (Infrastructure First) states that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires contributions to the provision of infrastructure to mitigate the impact of development.

There are no relevant contributions for this site identified in the LDP or Action Programme.

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.

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 development should be built out in accordance with the relevant building standards in terms of equalities and accessibility.

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. The issues raised have been addressed in the report above.

Material comments - objection:

- Too large in scale;
- Not subservient to neighbouring properties;
- Detracts from the setting of neighbouring listed buildings;
- Inappropriate design;
- Fails to comply with LDP Policy Des 1;
- Swift nest bricks should be included;
- Inappropriate materials;
- Dormers not in proportion;
- Front wall should be rebuilt in stone;

Material comments - support

- Compliments the character of the conservation area;
- Includes biodiversity improvements;
- Appropriate height and massing;
- Sustainable construction methods proposed;
- Provides needed family housing;

Non-material comments

- Fails to comply with LDP policies ENV3, ENV6

Conclusion in relation to other matters considered

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

Overall conclusion

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

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. 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. For the avoidance of doubt, the principal (front, street-facing) elevation shall be finished in natural stone.

Note: samples of the materials may be required.

3. No trees identified in the tree survey shall have roots cut or be lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing with the Planning Authority.
4. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
5. 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.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that no damage is caused to the existing trees during (demolition and) development operations.
4. In order to safeguard the interests of nature conservation.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 2 March 2023

Drawing Numbers/Scheme

01, 02A-07A, 08, 09

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
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Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
Bonnington House, Bonnington, Wilkieston.**

**Proposal: Land North of Bonnington House Steadings, Kirknewton.
Proposed development of a gallery and micro distillery (including integrated dunnage) formed around a new orientation building providing staff and visitor facilities, cafe, and ancillary gift shop, landscaping, parking and ancillary works (as amended).**

**Item – Committee Decision
Application Number – 23/00509/FUL
Ward – B02 - Pentland Hills**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Chief Planner considers the proposal to be of significant public interest. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as no adverse impact on the setting of a listed building will occur. Overall, it is in accordance with the development plan and NPF 4.

The proposal introduces a new use that does not directly relate to the principle use of the wider site as a sculpture park and art gallery. However, this new use forms part of an extension to an established, tourist facility to replace and enhance its existing facilities. It forms part of an overall high-quality, integrated design concept, which is of scale and position that will not detract from the rural character or landscape quality of the countryside. An infringement of countryside policy criteria c) in policy Env 10 is considered appropriate in these specific circumstances.

It helps support an existing arts and cultural venue with some associated social and economic benefit through job creation. The buildings are highly sustainable with additional measures incorporated to contribute towards climate mitigation and adaptation.

There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated and road safety matters have been addressed.

The proposal has regard to matters of equality and does not raise any specific matters in relation to human rights.

On balance, the merits of the proposed development outweigh its disbenefits and any infringements of policy. The proposal is therefore acceptable overall.

SECTION A – Application Background

Site Description

The proposal site is an area of land comprising of 1.8 hectares forming part of an open field located to the north side of Bonnington House.

The land slopes down to the northern side of the site and is bounded by trees near its west and south boundaries. Views out beyond are primarily of open countryside and trees. Small settlements and agricultural buildings are also present. To the far east, is the new Calderwood residential development with the River Almond beyond. To the west, is Bonnington Mains Farm and Bonnington Ridge. The site is bordered by a road to the west which connects to Clifton Road to the north and Bonnington Road to the east.

This road provides access into the grounds of Jupiter Artland Sculpture Park, set over 120 acres of land in total. Bonnington House, a category A listed (LB26826, date 22/01/1971) two storey and attic over a low basement is a focal point within this landscape. Historically, a dwelling has been on-site since the 17th century and the present structure dates from the early 18th century. The Jacobean style mansion is set within mature landscaped grounds. On its west side, are converted steading buildings which provide facilities to support the sculpture park including an art gallery, gift shop and café space.

The existing car park is to the north-east corner of the grounds. Visitors arriving by car, access this via the B7015 to the south with walking routes into the visitor centre and gardens. The exit route is to the north at Clifton Road.

The site is designated as Countryside in the Edinburgh Local Development Plan (LDP). Special Landscape Areas are located to the north and east. The boundary of the LDP is also located to the south and far west with West Lothian Council beyond this.

Description of the Proposal

The proposal is for an Art Centre and Craft Distillery located on an open field immediately north of the existing grounds of Jupiter Artland. The overall footprint would be approximately 1,810 square metres in total. This would comprise of four pitched roof buildings of varying scale which generally follow a consistent form with symmetrical dual pitched roofs and long narrower profiles. Their height would range between approximately 12.8 m to 6.1 m, with an overall depth of 48 m. Three of the buildings would be physically linked via flat roof sections in between.

External materials include mainly dark charred timber cladding with some smaller dark brick sections. Large rectangular windows would face out onto open fields beyond the site to the north and belt of trees to the south. Roofs would be constructed in a dark grey zinc with solar panels installed.

Internally, these buildings would accommodate a gallery, shop, café/restaurant and distillery production with associated storage / tasting areas. On the first floor, would be additional distillery production and office space accessed via a lift and stair case.

Between the buildings would be an external landscaped courtyard and terrace with seated space, planters and water features. The detached dunnage would be to the far east of the site.

The main entrance to the site would be via its north side which would lead into the reception area. Beyond this, parking space would be formed constructed in grasscrete. This would include provision for 51 car parking spaces in total (including 8 accessible bays), 20 cycle spaces and mini bus space.

Soft landscaping would be bordering these areas including the planting of medium and large sized trees and a wildflower mix.

An accessible, landscaped path to the south would link the site into wider grounds of Jupiter Artland.

The existing access track bordering the site and connecting to the wider grounds will be widened in sections and at the junction with Clifton Road. This access road will be used leading to the visitor exit point from the site and also the entrance for service vehicles.

Revised Scheme

- Parking provision altered with standard car parking spaces reduced from 47 to 43 spaces, accessible bays increased from 5 to 8 spaces and cycle parking increased from 10 to 20 spaces.
- Proposed floor heights detailed on plans.
- Changes to drainage plans

Supporting Information

- Arboricultural Tree Survey Report and Schedule
- Design Statement
- Drainage Strategy
- Environmental Statement
- Flood Risk Assessment
- Heritage Statement and Historic Landscape Appraisal
- Landscape and Visual Appraisal information
- Noise Impact Assessment
- Odour Impact Assessment
- Phase 1 Desktop Study (Ground condition / contaminants)
- Planning Statements
- Preliminary Ecological Appraisal
- Sustainability Information
- Transport Statement
- Tree Survey

Relevant Site History

23/00509/SCR

Bonnington House

Bonnington

Wilkieston

Kirknewton

EH27 8BB

Screening Request associated with proposed development of a gallery and micro distillery, cafe, and ancillary gift shop, landscaping, parking and ancillary works

EIA Not Required

2 March 2023

16/03812/FUL
Bonnington House
Bonnington
Kirknewton
EH27 8BB

Erect extension to existing cafe/restaurant at south-west corner of existing steading, knocking through existing cafe building west gable at door height.

Granted

3 October 2016

16/03810/LBC
Bonnington House
Bonnington
Kirknewton
EH27 8BB

Erect extension to existing cafe/restaurant at south-west corner of existing steading, knocking through existing cafe building west gable at door height.

Granted

30 September 2016

Other Relevant Site History

The site has an extensive planning history which can be viewed in full on the Planning and Building Standards Online Service.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Edinburgh Airport Safeguarding

Historic Environment Scotland

West Lothian Council

Scottish Water

Scottish Environment Protection Agency

Flood Planning

Waste Planning

Environmental Protection

Archaeology

Economic Development

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 February 2023

Site Notices Date(s): 14 February 2023

Number of Contributors: 56

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?

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

- Managing Change in the Historic Environment : Setting

Bonnington House with balustrade wall

The site is located to the north of Bonnington House, a Category A listed building (LB ref: LB26826, date added 22/01/1971).

HES Statement of Special Interest details that the original house dates to the early 17th century and apparently doubled in size around 1720. The listing describes it as a Jacobean mansion of two storeys with an attic. It is constructed in sandstone externally finished in a light coral render and a pitched slate roof. Detailing includes a prominent front gable with arched stone features, entrance steps bordered by stone balustrades.

The City Councils' 'Survey of Gardens and Design Landscapes - Bonnington' describes the house' setting as a core landscape of densely planted policies surrounding the house, set within a much wider landscape framework of field dykes and satellite plantations. The survey shows the site as forming part of this assets' wider setting, part of agricultural fields to its north beyond the dense belt of trees at its boundary.

The submitted heritage statement and historic landscape appraisal outlines the changes that have occurred to this designed landscape over time. Presently, the estate is bordered by trees on three sides. Avenue trees to the north, and a denser belt of trees to the south and west.

Whilst it will change part of this open farmland its siting would be out with an identified main panoramic view from the west. The proposal site is a small part of this historic assets' essential setting. Its scale and siting would avoid impacting on any main views of the historic asset or to the wider landscape from its essential setting.

Overall, the proposal will not have an adverse impact on the setting of this listed building.

Bonnington Sundial and Bonnington Dovecot

These structures are both listed separately and date back to the original Bonnington House from the late 17th century.

The sundial is located to the west of the grounds (LB26853, date added: 13/01/1975). The dovecot is to the north corner of the wall garden (LB26839, date added: 22/01/1971).

The proposed development will be spatially detached from these structures, located beyond the belt of trees to the north of the walled garden. This position will not be read in the immediate context of either structure or in this respect will not impact adversely on their setting.

Conclusion in relation to the listed building

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 5, 6, 7, 9, 13,
- NPF4 Liveable Place Policies 14, 20, 22,
- NPF4 Productive Places 29, 30, 31,
- LDP Developer contributions policy Del 1
- LDP Design policies Des 1, Des 3, Des 4, Des 5
- LDP Environment policy Env 10, 12, 16, Env 21 , Env 22,
- LDP Transport policy Tra 2, Tra 3, Tra 4
- LDP Retail policy Ret 8,

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

Countryside

LDP policy Env 10 (Development in the Green Belt and Countryside) states development within the Countryside will only be permitted where it meets one of the relevant criteria and would not detract from the landscape quality and or rural character.

- a) Is for purposes of agriculture, woodland and forestry, horticulture or countryside recreation or where a countryside location is essential subject to consideration of design and scale
- b) For the change of use of an existing building
- c) For development relating to an existing use or building such as an extension to a site or building, ancillary development or intensification of use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, high quality design and acceptable in terms of traffic impact.
- d) For the replacement of an existing building with a new building in the same use subject to various considerations including that its position should be in the existing structures' curtilage.

Supporting paragraph 183 states the key test for all proposals in the Countryside will be to ensure that development does not detract from the landscape quality and or rural character of the area.

Regarding the above, c) is the only applicable criteria for this proposal. The below sections provide assessment against each part of this criteria.

In addition, NPF 4 policy 9 b) states proposals on greenfield sites will not be supported unless explicitly supported by LDP policy.

The proposal is an extension to an existing site as the new buildings will form part of enlarging the grounds of Jupiter Artland. The land being located directly north of the existing site with a new, link path to connect into the existing facility.

The development will mainly relate to an existing use as the proposals seek to replace the current visitor centre which supports the functioning of the sculpture park. The proposed gallery, café and retail uses form part of the existing visitor centre and are appropriate to the sites' primary function. The supporting information details larger buildings are needed for these uses to accommodate present visitor numbers and to continue to attract world class artists for major exhibitions.

The micro-distillery would introduce a new use on-site which does not directly relate to sculpture park and art gallery's existing offering. It is stated this element is needed to provide a strategy for Jupiter Artlands' long-term viability. The proposed concept links this distillery element to the art offering through an 'art gallery distillery' with each space connected internally.

In regard to scale, the new Art Centre and Craft Distillery footprint of 1,800 m² will be significantly larger than the current visitor centre. In tandem with the buildings' height and depth, the development will be seen from the surrounding landscape. However, the design concept is of a high-quality which relates well to the rural context. Buildings take cues from simple farm buildings nearby through their pitched roof forms with use of a limited number of materials. The extensive use of charred timber clad walls provides a softer, external appearance. In tandem with its muted dark shade for this aspect and the zinc roof, the muted dark tones will help blend the buildings its natural surroundings such as the backdrop of trees immediately south.

Whilst seen, the submitted LVIA (Landscape Visual Impact Assessment) shows the buildings will mainly be visible in closer view from the north and east. The developed part of the site forms only a small part of the Bonnington Farmland LCA. The LVIA details the developments' wider effect across the landscape would be limited through the nature of the landscape including existing tree cover and larger agricultural buildings in the vicinity.

Furthermore, the design seeks to minimise visibility of other associated parts of the development including the hard surfaces for the car park and seated areas. This includes use of soft features with trees, ranging shrub planting and grasscrete.

In regard to traffic, it is not envisaged there will be any unacceptable impacts. The submitted transport statement details that the development is not anticipated to generate significant additional vehicle trips across the local network. No objections from Transport Planning have been received on this aspect.

Overall, the proposal does not fully comply with LDP policy Env 10 as there is an infringement in regard to criteria c) and subsequently the development of this greenfield site is contrary to NPF 4 policy 9 b).

The micro-distillery does not immediately relate to the main use of the existing facility as an outdoor sculpture park and art gallery. However, it forms a relatively small part of interlinked proposals which seek to provide new, enhanced facilities to support and diversify the offering of an established tourist facility.

Through the buildings' appropriate high-quality design, proportionate scale and surrounding land characteristics it will not detract from the landscape quality or rural character of the area. In consideration of this and the above, an infringement of criteria c) of policy Env 10 is considered acceptable in these specific circumstances where the key tests of the countryside policy are met.

Design

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design - Existing and Proposed Features) requires development to demonstrate existing characteristics and features worthy of retention have been incorporated.

LDP policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

As per the above, the development is a high-quality design. It will use modern materials that take cues from the existing rural context. The use of dark muted colours will help blend the buildings into the landscape.

The overall footprint of the development will be large however it is in proportion to the scale and form agricultural buildings nearby. In tandem with its high-quality design it will appear in keeping with the rural landscape in wider view. The inclusion of a mix of soft landscaping will help soften the buildings appearance in the wider context. The range of hard surfaces, with inclusion of gravel and cobbles surfaces is appropriate to this more rural location. The proposal largely retains features on-site that contribute positively to the areas' natural landscape character and addition of new trees will enhance this.

The proposal largely complies with LDP Design policies.

Climate Change and Mitigation

NPF 4 policy 1 (Tacking the climate and nature crises) states when considering all development proposals significant weight will be given to the global climate and nature crises.

Sustainability

NPF 4 policy 2 (Climate mitigation and adaptation) intent is to encourage, promote, and facilitate development that minimises emissions and adapts to current and future impacts of climate change.

The submitted sustainability information outlines the sustainability credentials of the development.

The proposal will include measures to help mitigate impacts of climate change. The S1 sustainability form details that the building will be constructed with locally sourced recycled materials, high levels of insulation to minimise heating requirements and plan forms designed to maximum natural light. In addition, sustainable features are incorporated into the design including photovoltaic panels and cycle parking provision.

In this regard, the proposal broadly complies with NPF 4 policy 2.

Ecology and Trees

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

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss.

LDP policy Env 16 (Biodiversity) states that development will not be permitted which will be detrimental to the maintenance of protected species.

The submitted Preliminary Ecological Appraisal concludes that no bat roosts or badgers were recorded on site. Furthermore, that the sites' redevelopment will not have an impact on these protected species. Protected species are not therefore a constraint to the development and no further surveys are required.

Four trees are proposed for removal including three category U specimens to accommodate the road adjustments and one category A tree in order for the new accessible ramp to provide access into the existing grounds.

As identified in the submitted tree report, these specimens are generally in satisfactory health and condition. As a collective grouping, the trees make a positive contribution to the landscape value and amenity of the area. In this regard, there is a presumption against their loss and their removal is contrary to LDP policy Env 12.

As mitigation, the proposal includes a detailed landscape plan for new planting including 14 medium and large sized trees bordering the parking space and building edge. In addition to new trees, a wildflower meadow and shrub planting will be formed fronting the buildings entrance.

Whilst the development will result in the loss of trees worthy of retention, appropriate mitigation for this loss will be provided, including trees, shrubs and other types of planting that will encourage biodiversity.

In this context, an infringement of LDP policy Env 12 is justifiable as the proposal accords with the overall objectives of NPF 4 Policy 3 and LDP policy Env 16. Conditions have been applied regarding recommended tree protection measures to safeguard retained trees on-site.

Soils

NPF 4 policy 5 (Soils) intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development.

The proposal minimises soil sealing through use of porous materials and soft landscaping around the new buildings. Whilst the development will reduce the extent of prime agricultural land, it is a proportionally modest area of this land as a whole.

In this respect, the proposal seeks to minimise the level of disturbance to soils from the development therefore does not conflict with NPF 4 policy 5.

Flooding

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding.

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

As identified on SEPA online flood risk maps, the site does not have any specific surface water, river or coastal flood risk.

The submitted flood risk assessment and drainage strategy has been reviewed by flood planning. No objections have been received, following receipt of additional drainage information including above ground SUDs features, drainage flows and infiltration testing.

SEPA have commented that the proposal appears to fall below the threshold for offering site specific advice. They have referred to their standing advice in regard to use of private waste water drainage and potential distillery operations. Informatives have been included on these matters to draw the applicants' attention to potential requirements under separate regulations.

In light of the above, the proposal complies with LDP policy Env 21 and NPF 4 policy 22.

Special Landscape Area

NPF 4 policy 4 d) states development that affect a site designated as a landscape area in the LDP will only be supported where it will not have significant adverse effect on its integrity, its identified qualities.

The site is located in some proximity to Ratho Hills Special Landscape Area (SLA) to the east and Upper Almond Special Landscape Area (SLA) to the north.

In regard to the former, the LVIA considers impact on this SLA. It is acknowledged there are potential for views of the development from some elevated vantage points including Tormain and to a lesser degree at Craw Hill to the west side.

However, from these setback locations the proposal would appear a distant element set against extensive tree cover nearby. In these circumstances there would be only a minor impact on the quality or character of this landscape.

With regard to the latter, views from this SLA would largely be restricted by extent of tree cover bordering the adjacent union canal and the proposed development would result in a negligible impact. Furthermore, it is not anticipated the proposal will have any significant affect on the quality and characteristics identified for Bonnington or surrounding areas in the Edinburgh Landscape Character Assessment.

Overall, the proposal complies with NPF 4 policy d).

Tourism and Rural Development

NPF 4 policy 29 (Rural Development) outcomes include delivery of vibrant, sustainable rural places where businesses are supported and a balanced, sustainable rural population.

Policy 30 (Tourism) refers to communities and places enjoying economic, social, and cultural benefits from tourism, supporting resilience and job creation.

Policy 31 (Culture and Creativity) refers to development encouraging, promoting, and facilitating development which supports culture and creative industries.

The site is not designated for tourist use in the LDP however the proposals support the diversification of an existing rural business with some subsequent economic, social, and cultural benefit for local communities. On a small scale, the proposal will help local job opportunities. The supporting information states the site is a significant local employer with 24 full time members of staff.

The proposal will help retain this existing employment and it is anticipated 4 new positions will be created from the distillery. Furthermore, the proposal will help the existing charity work undergone. It is stated the proposals will benefit the existing 'Education Foundation' which offers free tours / workshops to school children through its re-location to the current visitor centre.

In addition, through an enhanced facility including larger art gallery space the development helps support an established cultural industry. The site is in some proximity to smaller settlements nearby such as Kirknewton, East Calder and Ratho and the proposal helps enhance the local, tourist offering.

In this regard, the proposal helps support a rural business with subsequent economic, social, and cultural benefit which potentially help support rural communities nearby. The diversification proposed, will help enhance the offering of an established tourist facility near to more rural detached communities in accordance with objectives of the above NPF 4 policies.

Retail

NPF 4 policy 27 (City, town, local and commercial centres) outcome is to apply a town centre first approach to encourage centres to adapt to economic, environmental, societal changes and encourage town centre living. In addition, that development should be directed to the most sustainable locations, accessible by range of sustainable transport modes.

These outcomes are broadly consistent with NPF 4 policy 28 (Retail) where this sequential approach is applied to preferred location for retail proposals. In addition, that communities can access shops and goods they need by a range of sustainable transport modes.

Proposals for out of centre locations will not be supported unless in certain circumstances including criteria d). This criteria states development proposals in rural areas for shops ancillary to other uses will be supported subject to certain criteria including local impact, impact on commercial / town centres, frequency of service and transport implications.

In addition, the objectives of these NPF 4 policies are broadly consistent with LDP policy Ret 8 (Entertainment and Leisure Development - Other Locations) which sets out criteria for assessing entertainment and leisure developments in other locations.

In this case, no sequential assessment has been sought. City, town, or local centre locations are not appropriate to this specific proposal as it mainly seeks to upgrade the existing facilities a café, gift shop and gallery space on-site to support the function of the sculpture park and art gallery. There is therefore a requirement for the location of the new facilities to be close to the existing offering as an expansion of this existing facility. It is acknowledged the distillery introduces a new use, intended to diversify the existing business, and support its long-term viability. This aspect will be relatively small in scale and connected to these upgraded facilities within one linked building. In light of this, no further information has been sought on this aspect.

Given the specific nature and scale of the development linked to the functioning of the existing sculpture park it is not anticipated it will have an adverse impact on any local or town centres.

The proposal complies with the overall intentions of these policies. It is accepted the new facilities need to be near the existing tourist facility and the proposal will not impact on the vitality and viability of city, town, or local centres.

Other aspects of criteria d) of policy 28 in regard to the proposals local impact, frequency of service and transport have been considered in other sections of this report.

Transport

NPF 4 policy 13 intention is to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably.

Car Parking

LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The total provision of 51 car parking spaces complies with the EDG guidance for provision within zone 3. In addition, the 12 electric vehicle charging points and 8 accessible spaces also exceed the minimum standards. In addition, it is noted the submitted transport statement details there will be no net increase in car parking on-site, as the intention is to re-locate existing car -parking space in the existing grounds. However, as current car parking provision is out with the application site boundary limited weight can be applied to this in consideration of this planning application.

Cycle Parking

LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance.

Overall, the plans detail 20 cycle spaces including at least 4 non-standard spaces via sheffield racks which exceeds minimum provision of guidance. However, notwithstanding this, a condition has been imposed for full detail of all cycle provision to ensure suitable long-stay provision is incorporated and adequate space provided for non-standard cycle racks.

Road Safety

Representations have raised road safety matters. Issues raised include the suitability of the sites' access road to the north at the junction with Clifton Road, including its limited width, visibility and ease of movement for vehicles of varying scale existing / entering the site.

The submitted transport statement has assessed potential impacts on the road network from the proposal and proposes improvements to the carriageway and junction.

In regard to vehicle movement, visitors will continue to enter Jupiter Artland via the B7015 to the sites' south and exit onto Clifton Road to the sites' north. Larger servicing vehicles will enter and exit the site to the north via Clifton Road. Overall, it anticipated larger vehicle use (HGVs) onto the site from Clifton Road will be limited occurring approximately 1 to 2 times per week and there will be no significant increase in traffic to the surrounding road network.

To address the road safety issues, the access road leading onto Clifton Road will be altered. It will be increased in width at the junction and sections of road to accommodate its level of use and the safe two-way movement of larger vehicles into the site.

On review of this information, Transport Planning have raised no objection but have recommend a condition in relation to the submission of a Stage 2 Road Safety Audit. This aspect of road safety would be assessed under submission of any subsequent road occupation permit under separate legislation. This aspect has therefore been included as an informative as opposed to a condition to highlight this matter to the applicant.

However, a condition has been recommended that the proposed works to the access road and junction detailed on the plans, are carried out in full prior to the operation of the approved development. This is in order to ensure these works to ensure adequate road safety are carried out at an appropriate stage of the development.

Overall

An objective of transport policy is to encourage travel by sustainable means but also that car parking standards are based on local circumstances, including location and public transport accessibility. In its rural location, the site has poorer levels of public transport accessibility than generally in a more urbanised location. It is therefore anticipated most journeys to the site will be by private car.

However, as outlined in the submitted transport statement, it is not anticipated the proposal will generate significant additional vehicle trips. Furthermore, the car parking provision complies with standards and is therefore commensurate to the sites' less accessible location. The proposal includes works to address matters of road safety and a condition has been recommended to ensure implementation of these works at an appropriate stage of the development.

In addition, the parking layout will help support sustainable or more environmentally friendly means of travel. A good proportion of cycle parking, EV charging points and space for minibus provision is included with the applicant's running a collection service from Kirknewton Train Station nearby.

Whilst limited, there is an ability to access the site via sustainable modes of transport. Lothian bus service X 27 near the south entrance provides access from Edinburgh and greater range of services are available to the west in Wilkieston including nos 40, X22, X27 and X40 an approximate 10 minute walk from the wider site entrance. In this respect, as an extension to an established tourist facility in this rural location, the overall transport provision is acceptable, in line with LDP policy and is not at odds with NPF 4 policy objectives.

Amenity

LDP policy Des 5 (Amenity) states permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected.

LDP policy Env 22 (Pollution and Air, Waste and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity.

Supporting paragraph 201, details that proposals will be assessed to ensure development does not adversely affect air quality in identified Air Quality Management Areas (AQMA).

NPF 4 policy 23 (Health and Safety) also states development proposals likely to have a significant adverse effect on health will not be supported.

Noise and Odours

A Noise Impact Assessment (NIA) and Odour Assessment (OA) have been submitted to consider potential impacts from new uses on residential properties within 500 m of the site. This includes Bonnington House and a steading (south) and residential dwellings on Clifton Road (north). The NIA concludes that operational noise from proposed uses is likely to have a low impact on nearest residential properties. Furthermore, that entertainment noise is predicted to comply with the relevant noise criteria.

The odour assessment considers impacts from operations of the micro distillery. It includes information on the dispersion of odours from the distilling process in relation to nearest residential properties where it indicates compliance with relevant best practice. Further, it is detailed that the café is adequately spaced from residential properties to avoid adverse effect from cooking odours.

Environmental Protection

Following review of this information, no objection has been made by Environmental Protection (EP). It is therefore anticipated the proposal will not have an adverse impact on noise or odour to any residential properties. Given the larger distances retained to properties out with the submitted assessments it is not envisaged any adverse impact on amenity will occur.

A condition has been recommended for a site survey to be submitted to assess any potential contaminants and ensure the site is or, can be made safe for its end use. This condition has been applied.

EP also recommend that the proposed EV charging points should be installed prior to occupation of the development. In addition, that the power and capacity of the 8 EV charging points proposed. A condition has been included to this effect. However, recommended detail regarding their power and capacity has not been included as this not a specific requirement of the EDG provision per use class. This is therefore a matter for the applicant to consider separately.

Health

It is detailed that the proposed development will be run by an electric system of heating and cooling with no emissions. The site is not located within an Air Quality Management Area and with regard to the proposed uses and their scale no specific adverse impacts on air quality or health is anticipated.

It is noted West Lothian consultee response refers to the potential for buildings and trees in the vicinity of distilleries to result in increased mould growth. The applicant has provided a supporting statement detailing no direct link between this and the Scotch Whisky industry or any health risk from this 'blackening'.

In light of this there is no specific effects on this aspect identified from the proposal that require to be mitigated against and there are separate minimum standards the distillery operations will be required to adhere to including those detailed under the Environmental Protection Act 1990.

Daylight, sunlight, privacy or immediate outlook

In addition, the proposed development will retain large separation distances to all nearest residential properties. Given this, there is no specific concern in regard to impact on daylight, sunlight, privacy or immediate outlook.

Overall

In light of the above, it is not anticipated that the proposal will have an adverse effect on health, the environment and amenity. Subject to condition, the proposal complies with LDP policy Des 5, Env 22, and NPF 4 policy 23, 31.

Conclusion in relation to the Development Plan

Overall, the proposal is in accordance with the development plan.

The distillery is a new use that does not directly relate to the principal use of the sculpture park therefore the proposal does not wholly comply with criteria c) of Env 10. However, this new use is small part of an extension to an established, tourist facility. It is an appropriate high-quality design and scale that will not detract from the rural character or landscape quality of the countryside. An infringement of policy is considered appropriate in these specific circumstances.

There will be no adverse impact on historic assets nearby. The buildings are highly sustainable and incorporated measures to contribute towards climate mitigation and adaptation. There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips and road safety matters have been addressed. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated.

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.

The new site will offer much greater accessibility to all visitors coming to the site. Existing buildings are not fit for purpose and were not designed to accommodate the number of visitors which the Artland now attracts.

A fully accessible route is being provided between the proposed development and existing Sculpture Park. The path will be ramped/landscaped meeting building standards regulations to achieve the change in levels and allow fully accessible connection between the proposed building and the sculpture park.

Internally, a number of the main facilities are located in convenient locations near the building entrance whilst there is also provision for a lift and accessible WV facilities. Externally, 8 accessible parking bays are also included.

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:

Support

material considerations

- Enhance existing tourist facility with educational, cultural, community, and economic benefit : Addressed in section b) Tourism and Rural Development
- High quality, appropriate design / materials in keeping with landscape: Addressed in section b) Countryside and Design
- Highly sustainable development: Addressed in section b) Climate Change and Adaptation

General

- Road safety and Sustainable Transport: Addressed in section b) Transport

Objection

material considerations

- Adverse impact on traffic and road safety : Addressed in section b) Transport
- Sustainable transport should be considered : Addressed in section b) Transport
- Adverse impact on neighbours' amenity : Addressed in section b) Amenity
- Inaccurate and incomplete information submitted : The submitted information is considered adequate to accord with relevant legislation to validate and determine the planning application.
- Loss of greenspace / negative impact on landscape : Addressed in section b) Countryside
- Adverse impacts on biodiversity, wildlife and landscape : Addressed in section b) Climate Change Mitigation and Adaptation
- Inappropriate design and scale : Addressed in section b) Countryside and Design
- Adverse impact on drainage : Addressed in section b) Climate Change Mitigation and Adaptation

Conclusion in relation to identified material considerations

The material considerations support the presumption to grant planning permission.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as no adverse impact on the setting of a listed building will occur. Overall, it is in accordance with the development plan and NPF 4.

The proposal introduces a new use that does not directly relate to the principle use of the wider site as a sculpture park and art gallery. However, this new use forms part of an extension to an established, tourist facility to replace and enhance its existing facilities. It forms part of an overall high-quality, integrated design concept, which is of scale and position that will not detract from the rural character or landscape quality of the countryside. An infringement of countryside policy criteria c) in policy Env 10 is considered appropriate in these specific circumstances.

It helps support an existing arts and cultural venue with some associated social and economic benefit through job creation. The buildings are highly sustainable with additional measures incorporate to contribute towards climate mitigation and adaptation.

There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated and road safety matters have been addressed.

The proposal has regard to matters of equality and does not raise any specific matters in relation to human rights.

On balance, the merits of the proposed development outweigh its disbenefits and any infringements of policy. The proposal is therefore acceptable overall.

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

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

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
5. 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.

6. 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.
7. The approved landscaping scheme shall thereafter be fully implemented within six months of the completion of the development.
8. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction".
9. Prior to the commencement of the development full details of the cycle storage shall be submitted and approved in writing by the Planning Authority.
10. Prior to the commencement of the development full details of the proposed accessible link path detailed on approved plan reference number 02 B shall be submitted and approved in writing by the Planning Authority.
11. The proposed junction and carriageway works detailed on approved plans reference number 03, 04 and 05 shall be carried out in full prior to first operation of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To ensure the site is safe and stable for its end use.
4. In order to safeguard the interests of archaeological heritage.

5. 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.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to ensure implementation on landscaping on-site.
8. In order to protect retained trees on-site.
9. In order to provide appropriately designed cycle storage for all users.
10. In order to consider this matter in detail and ensure adequate accessibility.
11. In the interests of road safety.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant will require a road occupation permit for proposed works at the junction with Clifton Road. Further details in regard to this can be found via the following link : <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
4. A Travel Plan is to be implemented for the development.
5. The applicant should refer to SEPA's consultation framework and standing advice and also consult the regulations section of the website, including the CAR Practical Guide, and contacts the water permitting team for further advice (waterpermitting@sepa.org.uk).

Consultation framework and standing advice :

<https://www.sepa.org.uk/media/594101/sepa-triage-framework-and-standing-advice.pdf>

CAR Practical Guide : https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf

Water regulations : <https://www.sepa.org.uk/regulations/water/>

6. 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.
7. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
8. The developer will be required to source a private waste collection provider, further details on this can be found here :

http://www.edinburgh.gov.uk/info/20001/bins_and_recycling/1518/trade_waste.

9. A travel plan should be implemented for the development.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 February 2023

Drawing Numbers/Scheme

01, 02 B, 03 - 05, 06 A - 07 A, 08, 09 A - 11 A, 12 - 13, 14 A, 15 A, 16 - 20

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding

COMMENT: No objections subject to condition regarding submission of a Bird Hazard Management Plan.

DATE: 21 February 2023

NAME: Historic Environment Scotland

COMMENT: No comment on the proposals.

DATE: 27 February 2023

NAME: West Lothian Council

COMMENT: General comments provided on the proposals.

DATE: 3 March 2023

NAME: Scottish Water

COMMENT: No objections however the availability of capacity will be reviewed once a formal connection application is submitted to SW after planning permission has been granted.

DATE: 15 February 2023

NAME: Scottish Environment Protection Agency

COMMENT: The application falls below the thresholds for which SEPA provides site specific advice. Advice on SEPA website should be referred to in regard to aspects of the proposal controlled under separate regulations.

DATE: 17 February 2023

NAME: Flood Planning

COMMENT: No objections. The applicant should obtain necessary approval for the private foul water treatment measures and discharge to the soakaway.

DATE: 25 May 2023

NAME: Waste Planning

COMMENT: The applicant will require a private waste collection provider.

To comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling.

DATE: 14 February 2023

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to a site survey to ensure land can be free from contaminants and installation of suitable electric vehicle charging points.

DATE: 20 March 2023

NAME: Archaeology

COMMENT: No objections subject to condition for a programme of works to be submitted and approved by the Planning Authority.

DATE: 27 February 2023

NAME: Economic Development
COMMENT: No specific comments on proposals.
DATE: 15 March 2023

NAME: Transport Planning
COMMENT: No objections subject to conditions or informatives regarding a road safety audit, travel plan and cycle parking.
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 21 June 2023

Application for Planning Permission STL

Flats 1 - 9 31A Chambers Street, Edinburgh, EH1 1HU.

Proposal: Change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street.

Item – Committee Decision

Application Number – 22/05381/FULSTL

Ward – B11 - City Centre

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

A change of use of these properties to Short Term Lets (STL) will not have unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan and NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Though the application does not comply with NPF 4 policy 30 (e) part (ii), the site's location, in close proximity to a number of commercial, tourist, cultural and hospitality uses, including late-night entertainment venues, supports its use as STLs. Furthermore, it is recognised that there is an economic benefit in the STL use and in this instance, the use is compatible with the surrounding area. Overall, on balance, the proposal complies with the provisions of the Development Plan.

SECTION A – Application Background

Site Description

The application site relates to nine one-bedroom units, at 31 A Chambers Street, eight of the units are located on the first floor, with one at ground level. The application property forms part of the former Edinburgh Dental Hospital and School which is a four-storey building set between the Sherriff Court and commercial uses.

The application property is located at the west end of Chamber Street opposite the National Museum of Scotland and is in close proximity to the George IV Bridge. The immediate area has a mix of uses with high levels of commercial activity. Access to the property is via a doorway which sits, between a late-night bar/club (Revolutions) and restaurant (Nando's).

Existing residential accommodation is located on the third and fourth floors (30B and 30A). There are no physical changes proposed and the units are accessed via a separate entrance that is not associated with any residential properties.

The application property forms part of a category B listed building (27622), listed on 29/04/1977. The site is within the Old Town Conservation Area and Edinburgh's World Heritage Site.

Description of the Proposal

The proposal seeks the change of use of nine apartment units at 31A Chambers Street for use as short term let accommodation (retrospective).

Supporting Information

- Planning Statement
- NPF4 Planning Statement

Relevant Site History

19/01581/FUL

31A Chambers Street

Edinburgh

EH1 1HU

Change of use from offices to dwellings. Alterations to form 9 No. studio flats (as amended).

Granted

15 August 2019

19/01582/LBC

31A Chambers Street

Edinburgh

EH1 1HU

Conversion and alterations to form 9No. studio flats (as amended).

Granted

31 July 2019

Other Relevant Site History

No further relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 15 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 18 November 2022

Site Notices Date(s): 15 November 2022

Number of Contributors: 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) The proposals harm the listed building and its setting?

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

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

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

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

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

Conclusion in relation to the listed building

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

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

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

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

The Old Town Conservation Area Character Appraisal states *"The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community."*

There are no external alterations. The change of use from a residential premises to a short-term let 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 proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (updated April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area and Edinburgh World Heritage Site

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 proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (update April 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 proposed site is accessed via a private entrance located on the ground floor between a late-night bar/club and restaurant. Eight of the nine units are situated on the first floor directly between commercial properties below and residential properties above, with the remaining unit on the ground floor. The residential properties located above on the second and third floor are accessed via a separate entrance and stair. This minimises the effect that STL users could have on the immediate neighbouring properties residential amenity.

The application property is located within a busy urban context with high levels of commercial use and elements of late-night activity. The area is also characterised by tourist and cultural activities. The proposed use would not increase the ambient background noise above levels that existing residents would reasonably expect within the neighbourhood and local area.

The proposal will not have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal complies with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

The applicant submitted a planning statement in response to NPF4 that stated in 2019 the site was granted permission for a change of use from office to dwellings. After the works were completed, the properties were sold and immediately used for commercial purposes as short term lets, meaning the change of use to residential was never initiated. The applicant has also provided information that demonstrates the economic benefits these units provide, through high occupancy rates, with the units accommodating 2,488 guests over a 15-month period.

Having the properties within residential use contributes to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

However, paragraph 220 of the LDP also 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.

Although planning permission was granted for the change of use from offices to dwellings to form 9 studio flats, their use as long-term residential units were not initiated after the physical works were completed, a change of use has occurred as the physical composition was altered from Class 4 to residential .

The proposals therefore result in a technical loss of residential accommodation. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. However, it is recognised that there is a degree of economic benefit to the City from having STL accommodation and the location is appropriate. Therefore, whilst the proposal does not fully comply with NPF 4 30(e) part (ii), it is acceptable in this instance.

Parking Standards

Zero parking is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

A change of use of these properties to Short Term Let will not have unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan and NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Though the application does not comply with NPF 4 policy 30 (e) part (ii), the site's location, in close proximity to a number of commercial, tourist, cultural and hospitality uses, including late-night entertainment venues, supports its use as STLs. Furthermore it is recognised that there is an economic benefit in the STL use and in this instance, the use is compatible with the surrounding area. Overall, on balance, the proposal complies with the provisions of the Development Plan.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is an economic benefit in the STL use and in this instance, the use is compatible with the surrounding area. Overall, on balance, 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

The application received three representations all objecting to the proposals. This included representations from the Old Town Community Council and the Old Town Association.

A summary of the representations is provided below:

material considerations in objection

- Concerns that a change of use will have a detriment to residential amenity to the local community. This has been discussed within section c).
- A change of use would diminish long term residential housing stock within Edinburgh which is within a current housing crisis. This has been discussed within section c).

non - material considerations in objection

- Concerns regarding cost recovery of council servicing.

Conclusion in relation to identified material considerations

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

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.

A change of use of these properties to Short Term Let will not have unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan and NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Though the application does not comply with NPF 4 policy 30 (e) part (ii), the site's location, in close proximity to a number of commercial, tourist, cultural and hospitality uses, including late-night entertainment venues, supports its use as STLs. Furthermore, it is recognised that there is an economic benefit in the STL use and in this instance, the use is compatible with the surrounding area. Overall, on balance, the proposal complies with the provisions of the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No conditions are attached to this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 October 2022

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

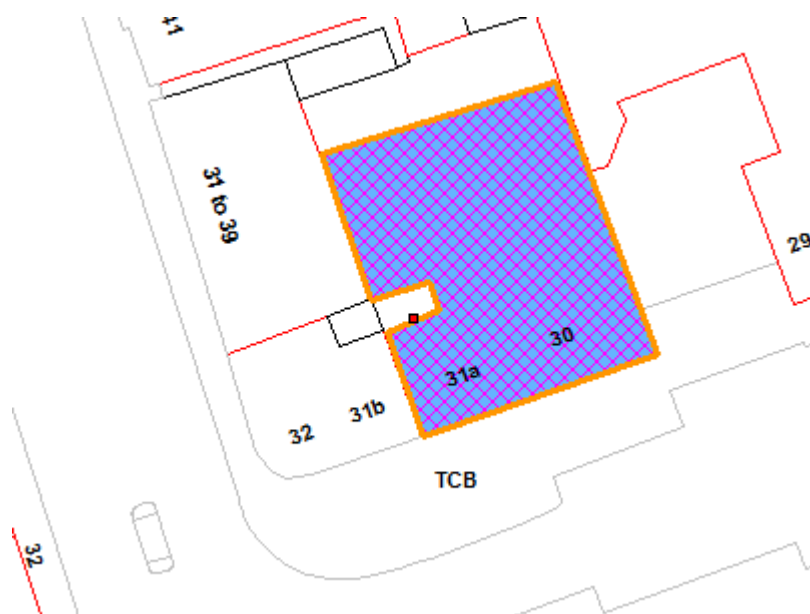
Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
111 Dalry Road, Edinburgh, EH11 2DR**

**Proposal: Change of use to from Class 1 to Class 3 after
amalgamation of No. 109 and No. 111 (as amended).**

**Item – Committee Decision
Application Number – 23/00568/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than 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 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 A – Application Background

Site Description

The site comprises of two ground floor units (one in use as a hot food takeaway and one in use as an internet cafe) within a 4-storey tenement building.

Description of the Proposal

Planning permission is sought for the amalgamation of 109 and 111 Dalry Road and to change the use of the premises to Class 3.

Scheme 2 provides details of the acoustic ceiling in accordance with page 10 of acoustic report.

Supporting Information

- Acoustic report.

Relevant Site History

22/03657/FUL
111 Dalry Road
Edinburgh
EH11 2DR

Change of Use to from class 1 to class 3 after amalgamation of #109 and #111
Refused
24 November 2022

21/01994/FUL
111 Dalry Road
Edinburgh
EH11 2DR

Installation of external ducts.
Granted
30 September 2021

20/03903/FUL
111 Dalry Road
Edinburgh
EH11 2DR

Change of use from office to hot food takeaway.
Granted
3 March 2021

15/03020/FUL
107 - 109 Dalry Road
Edinburgh
EH11 2DR

Change of use from internet cafe to coffee shop, offering hot drinks and sandwiches, as well as providing seating for customers. There will be no cooking, only sandwich preparation.

Granted
4 August 2015

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: 28 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 10 March 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 9

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan.

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

- NPF4 Policy 1 Climate and Nature Crises

- NPF4 Policy 27 City, Town, local and Commercial centres
- LDP Design policies Des 1 and Des 12
- LDP Shopping and Leisure Policy Ret 11
- LDP Housing Policy Hou 7

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

Principle

The site is located within the Gorgie/Dalry Town Centre and such uses are supported in defined centres. The street is a busy commercial thoroughfare, and the class 3 use is acceptable in this location. Whilst there are other such uses on Dalry Road, this specific location would not represent an over-concentration of such uses and therefore complies LDP Policy Ret 11 subject to amenity considerations which are assessed fully below.

The site is in a shopping frontage where Policy Ret 9 states that not more than four consecutive uses should be in non-shopping use as a result of the development. However, the premises at 109 Dalry Road is already in use as a cafe and forms part of four consecutive non-retail units as existing. The proposal would therefore have a neutral impact in terms of the wider retail function and would preserve the existing commercial vitality of the group.

The proposal has a neutral impact in terms of NPF4 Policy 1 and LDP Ret 9 and complies with NPF4 Policy 27 and LDP Policy Ret 11.

Size, Scale and Design

The external alterations to the commercial unit are acceptable and are in keeping with the existing façade. The proposals are acceptable in terms of their design and form, choice of materials and positioning are compatible with the character of the existing building.

The proposals comply with LDP Policies Des 1 and Des 12.

Amenity

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 traffic noise already exists on Dalry Road 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.

There will be no detrimental impact upon residential amenity and the proposal complies 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.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A total of nine objections have been received.

A summary of the representations is provided below:

material considerations

- Negative impact on residential amenity (noise, odours, disturbance); This has been addressed above in a).
- Increased wastage: A waste strategy should be agreed between applicant and CEC's Waste Services.
- Increased vehicle traffic and parking issues; This has been addressed above in a).

non-material considerations

- Brightness of the neon sign on front of store; This would be assessed under an application for Advertisement Consent.
- Structural impact on building; This would be assessed under an associated Building Warrant application.

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 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. Prior to the use being taken up, the ceiling throughout 109 and 111 shall be upgraded with an acoustic ceiling as per the specification in drawing GA (00)001 rev. A. No services shall puncture this ceiling with the exception of lighting power cables. Services shall be run in a void between the acoustic ceiling and false ceiling below. No speakers to be directly fixed to the ceiling or the walls placed on the floor without appropriate isolation. Any mounts required should have a natural frequency of below 10Hz.
3. Prior to the use being taken up, the new ductwork to the front façade shall be designed and installed such that maximum sound power levels specified in Technical Report No. R-8960A-EP1-DJC, 24th April 2023, is not exceeded.
4. Prior to the use being taken up, the new ductwork noise to the rear façade shall be designed and installed such that maximum sound power levels specified in Technical Report No. R-8960A-EP1-DJC, 24th April 2023, is not exceeded.
5. Prior to the use being taken up, the new extractor fans and ductwork shall be suspended using anti-vibration mounts and flexible connectors.

Reasons

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

4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. This consent is for planning permission only. Work must not begin until other necessary consents, e.g., listed building consent, have been obtained.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 February 2023

Drawing Numbers/Scheme

01, 02A, 03, 04

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

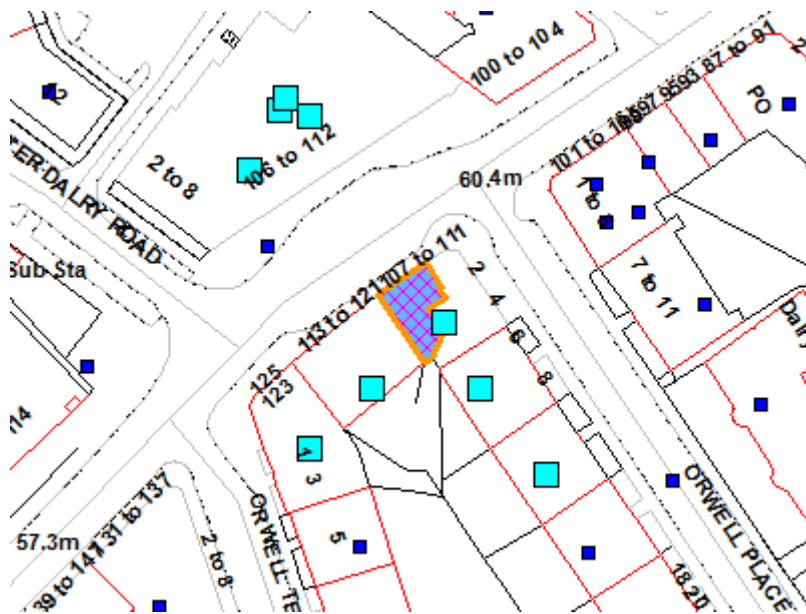
NAME: Environmental Protection

COMMENT: No objections subject to conditions.

DATE:

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 21 June 2023

Application for Planning Permission

George Square Gardens, 62 George Square, Edinburgh.

Proposal: Edinburgh Festival Fringe 2023 venue site comprising two performance venues, box offices, bars, food traders and ancillary offices and storage.

Item – Committee Decision

Application Number – 23/01353/FUL

Ward – B15 - Southside/Newington

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an area of open space located at George Square. The site is privately owned and publicly accessible under agreement with the owner, Edinburgh University. The area of open space is bounded by a road on the western, northern and part eastern side with a pedestrianised route to the east and southern boundaries.

The site is within the heart of the University of Edinburgh Campus with the majority of the buildings bordering the square in the ownership of Edinburgh University.

A number of the buildings are listed with the key ones identified as:

- Edinburgh University Library - A listed - LB Ref 50191 Listed 17 January 2006
- 55 - 60 George Street - A listed - LB Ref 28824 Listed 14 December 1970
- 16 - 29 George Street - A listed - LB Ref 28810 Listed 14 December 1970

The site lies within the Southside Conservation Area but adjacent to the boundary of the Edinburgh World Heritage Site.

Description of the Proposal

The proposal is for the installation of 2 temporary performance venues, the Udderbelly (422 people capacity) the Wee Coe (60 people capacity) and ancillary activities as part of the Edinburgh Festival Fringe. The venue will be supported by food and drink sales and the provision of public toilets.

Proposed Key Dates 2023

Build Period: 3 July - 1 August 2023;
Operational Period: 2-28 August 2023;
Strike Period 29 August - 6 September 2023.

Proposed Key Dates 2024

Build Period: 1 July - 30 July 2024;
Operational Period: 31 July - 26 August 2024;
Strike Period 27 August - 4 September 2024.

Proposed Key Dates 2025

Build Period: 30 June - 29 July 2025;
Operational Period: 30 July - 25 August 2025;
Strike Period 26 August - 3 September 2025.

Proposed Operational Hours

Site Open: 10:00-01:00 (Sun-Thur) 10:00-03:00 (Fri-Sat)
Performance Schedule: 10:00 - 00:00 (Sunday - Wednesday) and 10:00 - 02:00 (Thursday - Saturday).
The private members artists bar only will be open until 04:00.

Supporting Information

A Planning Statement, Noise Management Plan and a Tree and Standing Stone Protection Statement was submitted with the application which is available to view on the Planning and Building Standards Online Services.

Relevant Site History

22/01363/FUL
George Square Gardens
62 George Square
Edinburgh

Edinburgh Festival Fringe venue site comprising two performance venues, a box office, bars, food traders and ancillary office and storage.

Granted

17 June 2022

22/01893/FUL
Proposed Fringe Festival Venue Site
George Square Gardens
George Square
Edinburgh

Temporary installation of 2 performance venues, an event space + supporting infrastructure, to be used as part of Edinburgh Blues and Jazz Festival, Edinburgh Food Festival + Edinburgh Festival Fringe. We have used the site since 2011 for same purpose but site has a festival history going back over 20 years. The site is a green space owned by University of Edinburgh, we are looking for permission to cover change of use of land and associated temporary structures.

Granted

17 June 2022

Other Relevant Site History

No further site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Environmental Protection

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change - Setting

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no harm to the surrounding listed buildings and their setting.

Conclusion in relation to the listed building

The proposal will have no detrimental effect on the setting of nearby listed buildings. The proposal therefore is acceptable with regard to section 59(1) 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 application is located within the South Side Conservation Area. The Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

The temporary nature of the structure is a material factor in the assessment of any impact on the character or appearance of the conservation area. Whilst the proposal would reduce the available area for pedestrians for a temporary period, the impact of this is considered negligible. The structure will be located in an area of open space on a smaller scale than any of the important surrounding historic buildings. The proposal will not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will preserve the character and appearance of the conservation area and it therefore 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?

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

- NPF4 Historic Assets and Places Policy 7
- NPF4 Blue and green infrastructure Policy 20
- LDP Environment policies Env 12 and Env 18
- LDP policies Des 1, Des 4, Des 5
- Shopping and Leisure Ret 7

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

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located within a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with NPF4 Policy 7.

Open Space and Trees

A balanced decision has to be taken on whether the loss of the use of the open space for a short temporary period outweighs the recreational use of the site. The use of the site at George Square Gardens relates to an area of private open space and is not an area of public land.

It is considered that the Edinburgh Festival and Fringe themselves make a strong specific contribution to Edinburgh's heritage and cultural value, as well as the temporary nature of the proposals. It is therefore considered that the temporary loss of the open space is justified in this instance.

It should also be noted that George Square Gardens has been used annually for many years as a Festival Fringe venue.

In addition, there are a number of trees within the gardens which are in close proximity to the proposed structures. The applicants have provided an additional document which outlines the tree sensitive areas and have advised of a tree exclusion zone that has been agreed with the University of Edinburgh as owners of the square.

The proposal complies with LDP Policies Env12, Env 18 and NPF4 Policy 20(a).

Amenity

The applicant submitted a Noise Management Plan outlining their plans to limit noise pollution to the surrounding area. However, Environmental Protection have objected to the proposals as they requested a full Noise Impact Assessment. The site is surrounded by buildings within educational uses and with no residential dwellings located within the immediate vicinity of the site. As such, the request for a Noise Impact Assessment was considered to be unnecessary. On balance, a pragmatic approach must be taken as this is a very busy area during the festival, for a temporary period, and it is considered that overall the proposal is acceptable in planning terms and should be supported.

Transport Implications

The proposal is located within a central location and no parking will be provided for the event. The site is considered to be in an accessible location with good transport links.

A number of the operational matters would be covered by any licensing/ temporary traffic orders.

Conclusion in relation to the Development Plan

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

One letter of objection was received and is summarised below:

material considerations

- Excessive and will prevent local peaceful enjoyment of quiet green space - addressed in section Open Space and Trees
- Damage to the grass and soil - addressed in section Open Space and Trees
- Damage to the trees and root system - addressed in section Open Space and Trees

Conclusion in relation to identified material considerations

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development hereby approved shall be permitted during the time period of 3 July 2023 - 6 September 2023 (66 days) only and all structures shall be removed from the site by 6 September 2023. A 66-day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2024 and 2025. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2024 and 2025.

Reason

1. In recognition of the temporary nature of the proposals.

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. Works affecting adopted road/footway must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 27 March 2023

Drawing Numbers/Scheme

01-12

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 25 April 2023

NAME: Environmental Protection

COMMENT: Cannot support the application without an accompanying full Noise Impact Assessment.

DATE: 28 April 2023

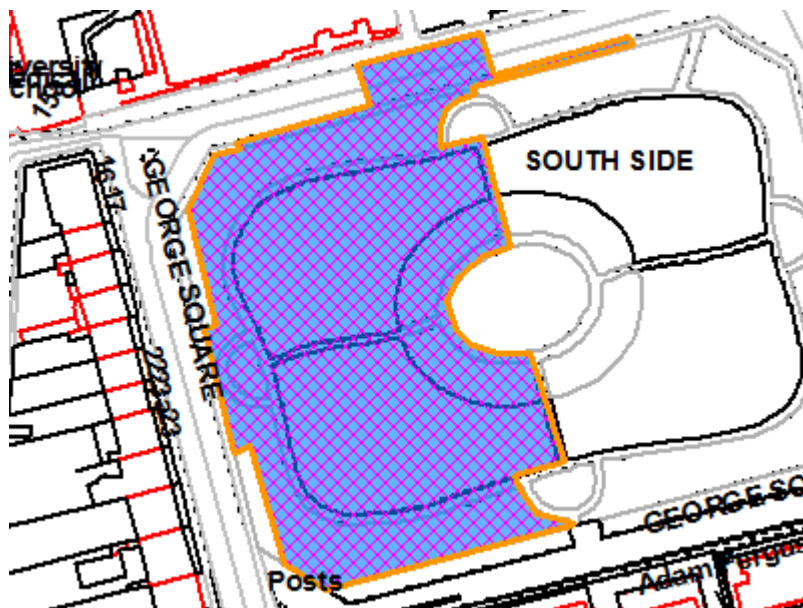
NAME: Archaeology

COMMENT: No objection.

DATE: 19 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 21 June 2023

Application for Planning Permission

10 - 14 Haymarket Terrace, Edinburgh, EH12 5JZ

Proposal: Sub-divide the property and change use of No. 14 from Class 1 (retail) to (Sui Generis) to open an immersive magic experience for a small number of guests at a time, with refreshments and participation in a live entertainment experience.

Item – Committee Decision

Application Number – 23/00808/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than twenty 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 would be contrary to Edinburgh Local Development Plan (LDP) Policies Hou 7 and Ret 8 and NPF4 Policy 27, as it would have a materially detrimental effect on the living conditions of nearby residents through the potential increase in noise and disturbance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a ground floor retail unit within a five-storey tenement building on Haymarket Terrace with residential properties above. The area is essentially mixed in character with a range of ground floor commercial units with residential properties above located in the surrounding area. Haymarket Train Station and a tram stop are located to the south of the site.

The site is located within the New Town Conservation Area.

Description of the Proposal

The application is for the change of use from Class 1 (retail) to (Sui Generis) - magic experience for a small number of guests, with refreshments and participation in live entertainment.

Supporting Information

- Supporting letter.

Relevant Site History

20/01836/ADV

10 - 14 Haymarket Terrace

Edinburgh

EH12 5JZ

Advertisement of the following types: Canopy, projecting sign.

Granted

24 June 2020

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: 13 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 March 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 23

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- *Managing Change - Conservation Areas*

The 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.

No 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 regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan.

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

- NPF4 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 7 Historic Assets and Places
- NPF4 Policy 27 City, Town, Local and Commercial Centres
- LDP Housing Policy Hou 7
- LDP Retail Policy Ret 8

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 NPF 4 Policy 27 and LDP Policies Ret 8 and Hou 7.

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.

Principle

LDP Policy Ret 8 sets out criteria for assessing proposals for entertainment and leisure developments out with the preferred locations. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents. NPF4 Policy 27 supports this and seeks to encourage, promote, and facilitate development in our city and town centres, recognising they are a national asset.

The proposal broadly complies with criteria a) to c) within LDP Policy Ret 8, which is mirrored in NPF 4 Policy 27, in that the site is immediately adjacent to the city centre, as defined within the LDP. In these circumstances, it would not have been reasonable or necessary to require alternative city centre sites to have been considered and discounted. The site is easily accessible by a choice of means of transport and the proposal could be integrated satisfactorily into its surroundings should a proposal be brought forward for an alternative frontage of a high quality of design. However, the proposal, for reasons that are fully assessed below, fails to comply with criterion d) of LDP Policy Ret 8, due to its potential impact on residential amenity.

Whilst the proposal would be broadly compliant with the objectives of LDP Policy Ret 8 and NPF4 Policy 27, in that it could support the vitality and viability of the area and increase the mix of uses, the failure to protect residential amenity aspects outweighs the benefits that the proposal could bring. Although the area is mixed in character with a transport hub located to the south and other ground floor commercial units surrounding the site, it has an important residential function. Residential properties are located immediately above the site and the proposal would not be acceptable in this location.

The proposal would not comply with LDP Policy Ret 8 and NPF4 Policy 27.

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

Amenity

Residential properties are situated directly above the application premises. The introduction of an entertainment use, with possible noise transference of music and customers voices, would have the potential to create significant levels of noise and disturbance to residents in the flats above.

No noise impact assessment has been submitted, despite a request for such a report, to demonstrate that the new use would be capable of maintaining an acceptable level of amenity for nearby residents. The use of the property as an 'immersive magic experience' would be incompatible with the nature of the unit and its relationship with neighbouring residential properties.

Environmental Protection has been consulted and does not support the application due to the level of noise disturbance that could be generated by the proposed activity.

The proposal does not comply with criteria d) within LDP Policy Ret 8 in that it is incompatible with surrounding uses and would have the potential to lead to a significant increase in noise and disturbance, to the detriment of living conditions for nearby residents.

LDP Policy Hou 7 seeks to protect residential amenity from uses that would have the potential to cause noise and disturbance. As assessed above, the proposal would be in close proximity to flats and no information has been submitted to demonstrate that the use would not adversely affect residential amenity.

The proposal does not comply with LDP Policies Hou 7 and Ret 8.

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 is contrary to LDP Policies Hou 7 and Ret 8 and NPF4 Policy 27 as it would have a materially detrimental effect on the living conditions of nearby residents.

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

A total of 23 representations have been received including one objection, one general comment and 21 support comments.

A summary of the representations is provided below:

material objections and general comment

- There are no other late-night businesses in this part of Haymarket Terrace; This has been addressed above in b).
- Alcohol license being sought so may be evening opening and that will affect noise levels at night; This has been addressed above in b).

material support comments

- Proposal will be an asset to the local area; This has been addressed above in b).
- Proposal supports local businesses and tourism; This has been addressed above in b).

- Proposal provides more entertainment options in Edinburgh; This has been addressed above in b).

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 would be contrary to Edinburgh Local Development Plan (LDP) Policies Hou 7 and Ret 8 and NPF4 Policy 27, as it would have a materially detrimental effect on the living conditions of nearby residents through the potential increase in noise and disturbance. 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 noise and disturbance.
2. The proposal is contrary to the Local Development Plan Policy Ret 8 in respect of Entertainment and Leisure Developments - Other Locations, as it would not be compatible with the surrounding uses and has the potential to lead to a significant increase in noise and disturbance, to the detriment of living conditions for nearby residents.
3. The proposal is contrary to NPF4 Policy 27 in respect of City, town, local and commercial centres, as it would undermine the character and amenity of the area.

Informatives

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 March 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

Appendix 1

Summary of Consultation Responses

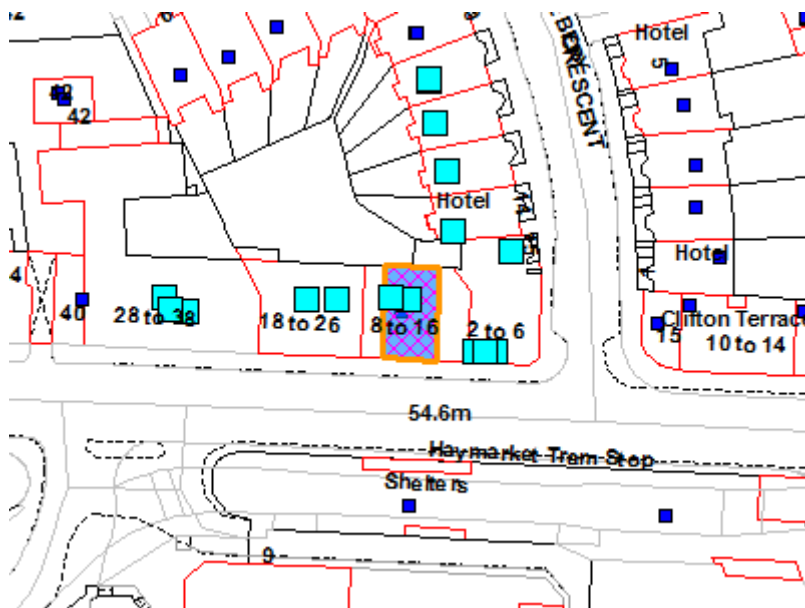
NAME: Environmental Protection

COMMENT: Environmental Protection cannot support this application and recommends refusal.

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 21 June 2023

Application for Planning Permission

22 Inglis Green Road, Edinburgh, EH14 2HZ

Proposal: Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended).

Item – Committee Decision

Application Number – 22/02233/FUL

Ward – B07 - Sighthill/Gorgie

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because more than 6 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

The development is in accordance with the development plan. The proposal will deliver a sustainable and well-designed urban residential scheme that responds harmoniously with the surrounding mixed-use area of the site, to create a strong sense of place. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site.

The proposal is consistent with the six qualities of successful places as set out in NPF4. The design and layout draw upon the distinctive nature of the site and will create a strong sense of place. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The development is congruous to its situation between mixed use commercial and industrial uses and the Water of Leith. By improving and increasing green landscaping, the development creates an accessible and permeable development that supports active travel 20-minute neighbourhood principles.

Subject to recommended conditions and an appropriate legal agreement, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located at 22 Inglis Green Road, between Chesser and Longstone. Prior to the site becoming brownfield it was occupied by the now demolished Bookers Wholesalers warehouse development.

The site is 1.6-hectares, level and currently vacant, situated within the Urban Area laid out by Edinburgh Councils Local Development Plan (LDP). The LDP has demarcated this site as part of the T7 - Cycle Link. The surrounding area is mixed-use in character with elements of retail, industrial, commercial and residential. To the east of the site is a Sainsburys supermarket and petrol station. To the south of the site a car mechanic and dealership, a restaurant, dance studio and social club. Immediately north and west of the site is the Water of Leith a river that is vital to Edinburgh, as one of the largest blue and green corridors within the city. The northern boundary of the site is lined with native mature trees.

Description of The Proposal

Scheme 2

The application proposes the redevelopment of the site to provide a mixed-use development. 120 residential flatted units with a mixture of 1, 2 and 3 - bedroom dwellings. Within the plan proposed is the development of 211 sqm of commercial property made up of class 1 (Shops), 2 (Financial, Professional, and other services) now 1A and 4 (Business).

Within the site is the introduction of an active transport corridor linking Inglis Green Road and the Water of Leith and leaving access for the development of a pedestrian bridge.

Demolitions

Demolition on site has taken place with the removal of the bookers warehouse. Existing is the original warehouse hardstanding slab and parking which will be excavated.

Site Masterplan

The proposed site plan is for ten residential blocks and a single mix use residential-commercial block. They are made up of two 3-storey colony style houses, two 3-storey residential blocks, five 4-storey residential blocks, one 4-storey mixed use block and a 5-storey residential block. Vehicular access to the site is via a single ring road within the development. On the central eastern side of the site is the publicly accessible 'village green' which is enclosed by six blocks (five residential and the one mixed-use commercial-residential). The western form of the development is made up of the remaining blocks which similarly mirrors the eastern layout, however smaller, with the central space being formed of private gardens and a small pocket park situated on the southwest boundary.

The development incorporates photovoltaics (PV) panels at roof level powering communal internal and external lighting and to the colony dwellings.

Accommodation Schedule & Commercial Delivery

The mix use of residential accommodation and commercial units delivered within the proposal are as follows,

- 39 x 1-bedroom flats (10 Affordable)
- 50 x 2-bedroom flats (18 Affordable)
- 31 x 3-bedroom flats (2 Affordable)
- 211 Sqm commercial use.

Access

Vehicle access to the site is from the service road off Inglis Green Road, which currently serves the Sainsbury's car park and fuel station. Public pedestrian access to the development will be introduced to the site. An active travel route will be established which runs from the main access on the southern boundary through the heart the development to the northern boundary with the Water of Leith.

The site will leave space for the eventual delivery of a pedestrian bridge over the Water of Leith allowing further pedestrian permeability beyond the northern boundary of the site as part of the T7 cycle travel link. This bridge would connect New Mart Road to Inglis Green Road over the Water of Leith.

Public transport is accessible via Bus and Train. Slateford station is an eleven-minute walk (0.5 miles) from the site. Bus services are accessed from Inglis Green Road, a two-minute walk (0.1 miles).

Active Travel

The site has nearby access to existing active travel networks via the Water of Leith and Union Canal. The LDP outlines the site as part of the T7 cycle travel link. Part of which proposes a pedestrian bridge that crosses the Water of Leith located on north-eastern boundary of the site plan. The LDP originally located the T7 link on the eastern edge of the site's boundary between the original Bookers warehouse and the neighbouring Sainsburys supermarket. The T7 network was located within the local development plan when the original Bookers development was still in existence. Subsequently as the original development has been demolished the T7 pedestrian crossing has been moved to the centre of the site. Incorporating the network into the heart of the development is preferable, as it improves accessibility and safety of the future user. Further to this, moving the pedestrian river crossing west allows the bridge to connect to existing active infrastructure on the northern edge of the river.

Though the site incorporates the access point and node of the pedestrian bridge, the development itself will not deliver the development of the bridge.

Car/Cycle Parking

The site has 32 residential parking spaces 4 of which are accessible. EV charging has been allocated at a provision of 1:6. Integrated internal Cycle storage has been provided for residential use at 272 cycle spaces.

Servicing and Waste Management

Deliveries, maintenance, and emergency vehicles will access the site from the service road off Inglis Green Road. Refuse collection will be via the same access road and bins are to be collected adjacent to the street for all blocks in line with CEC requirements.

Refuse and Recycling facilities are situated throughout the site, internally to the blocks. The Colony style properties have access to wheelie bins situated in close proximity within bin stores.

Landscaping and Amenity

Substantial areas of soft and hard landscaping are included within the proposal. The site has a collection of private, communal, and publicly accessible green spaces. As the site has a collection of dwelling styles the green space proposed have been developed to respond to diverse needs of the property types. Within the site are pocket parks, a village green, communal gardens, and private gardens. Within the central village green a children's play area has been proposed.

The proposal features green spaces on the boundary of the site which intend to feature wildflower meadows, mixed species hedging, mixed native species tree/ shrubs and planting mixes that connect with the Water of Leith nature corridor to the north and provide separation and privacy to the southern and eastern boundaries of the site. These sites are included to improve biodiversity and access to green spaces to improve the resident's health and wellbeing.

A total of 3 trees of the existing 39 are to be removed to allow the proposed development to proceed, with 141 new trees proposed as part of the development. Part of the plan is native woodland varieties along the boundary with the Water of Leith. Further planting is planned around the boundary of the site specifically the east and southwestern boundaries which will improve the future amenity of the residential blocks within those positions. Trees have also been proposed throughout the development along the active and vehicular network. Part of the planting plan are sustainable urban drainage (SUD) specific trees that are more adept to wet waterlogged conditions.

The proposal has included sustainable urban drainage by implementation of SUDS and Swales. Further to this the proposal includes porous pavements and underground storage attenuation to support surface water management.

Affordable Housing

An affordable housing schedule, site plan and statement has been provided as part of the proposal. As per the City of Edinburgh Council LDP the site delivers 25% of the development as affordable housing. This equates to 30 of the 120 flats being delivered as affordable housing, 10 one-bedroom flats, 18 two-bedroom flats and 2 three-bedroom flats.

Site Boundary Conditions

The site boundaries offer two main constrictions. On the northern edge of the site is the Water of Leith green and blue corridor that needs environmental protection. The southern edge of the site is bound by acoustic and air quality restrictions.

Lighting

No details of the proposed lighting scheme have been included with this application. A condition has been applied to ensure that the proposed plan is to the standards outlined under Edinburgh's Design Guidance.

Scheme 1

During the assessment of the application the applicant reduced the levels of hard standing on the site by reducing roads and parking within the site. This allowed for improved permeability for active travel, whilst increasing soft landing.

Supporting Information

- Pre-application Consultation Report.
- Noise Impact Assessment.
- Design and Access Statement.
- Transport Assessment.
- Tree Survey.
- Site Investigation Report.
- Ecology Report.
- Environmental Noise Assessment.
- River Cross Section Report.
- Planting Schedule.
- Flood Risk Impact Assessment and Addendum.
- River Study.
- Surface Water Management Plan.
- Affordable Housing Statement, Schedule, and Plan.
- Landscape Design Statement and Plan.

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Communities and Families

Archaeology Service

Affordable Housing

Scottish Water

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

Publicity and Public Engagement

Date of Neighbour Notification: 10 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 13 May 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 43

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:

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 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
- NPF4 Flood Risk and Water Management Policy 22
- NPF4 Health and Safety Policy 23
- LDP Environment Policies Env 9, Env 12, Env 15, Env 16, Env 20, Env 21 and Env 22
- LDP Design Policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8 and Des 10
- LDP Housing Policies Hou1, Hou 2, Hou 3, Hou 4, Hou 6 and Hou 10
- LDP Transport Policies Tra 2, Tra 3, Tra 4 and Tra 9
- LDP Delivery Policy Del 1
- LDP Water and Drainage RS 6

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Housing, Design and Transport policies and other Environment policies listed above.

Acceptability of the Development in Principle

Policy 16 of NPF 4, in criterion b, lends support to development proposals for new homes that meet local housing requirements, including affordable homes. Further to Policy 16 is section f, which supports the development of 20-minute neighbourhoods.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, currently brownfield, it is in close proximity local retail and other services, as well as public transport links and existing active travel networks. The proposal would improve local placemaking by bringing this site back in to use.

Policy 9 of NPF 4 aims 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.

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land, and empty buildings, and to help reduce the need for greenfield development.

Principle of Development

The site lies within an urban area defined in the Edinburgh Local Development Plan (LDP).

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. The sites situation between two residential communities of Chesser and Longstone off of Inglis Green Road make it a suitable location for further residential development. The proposal has incorporated a mix of uses, both residential and commercial development are proposed in line with Hou 2 of the LDP.

The site benefits from good public and active travel links and is located nearby to education and health facilities and local green spaces. Compatibility with other policies is assessed elsewhere in this report.

Principle Conclusion

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land, and to help reduce the need for greenfield development. The development is therefore acceptable in principle and complies with LDP policies Hou 1 and Hou 2.

Climate Mitigation and Adaptation

Sustainable Places

The proposed development will provide sustainable, high-quality housing, whilst increasing pedestrian permeability through the development to a new publicly accessible 'village green' community. The location of the development is close to good public and active transport with variety of local amenity.

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 to help reduce the need for greenfield development.

The design strategy incorporates the principles of sustainable design and construction. The construction process is led by a "Fabric First" approach which in turn exceeds the insulation guidelines. The development has been designed to maximise photovoltaics opportunities at roof level which will power internal and external lighting and parts of the residential element of the development.

The applicant has submitted Edinburgh Council's sustainability form in support of the application. Part A of the standards is met through the provision of PV panels for communal lighting and energy supply to portions of the site with excess electricity being supplied onto the national grid is proposed on site.

As this is considered major development and has been assessed against Part B of the standards. The proposals meet the essential criteria with additional desirable measures including electric car charging and the use of sustainable timber. 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.

Whilst 32 parking spaces are being provided, the site is close to local services and the city centre commercial core and will be well served by local public transport, so many local journeys by private car will not be necessary. Also, 272 cycle parking spaces will be provided to encourage active travel. The provision of 5 electric vehicle charging points will help facilitate and encourage the use of electric vehicles where car journeys are made.

The redevelopment of the brownfield site into appropriate and sustainable uses, will regenerate the Inglis Green Road site into a thriving residential development area, with low levels of commercial use (Class 1, 2 now 1A and 4). The proposed uses are compatible with the surrounding area. The sites' location being close to a mix of public transport routes and active travel networks, gives quick access to the city centre and encourages sustainable travel. This development will positively rejuvenate and improve the character of the immediate area, improving a sense of community, mobility, and opportunity for future active travel. This will contribute to climate change mitigation in the short and long term.

Policy 11 a) iv of NPF 4 also supports development proposal which adopt forms of renewable technologies at a small scale. As the proposal includes the installation of PV at roof level to power the external lighting and Colony properties, the development is in accordance with NPF4 Policy 11.

The fabric first approach will see a 30% carbon reduction in the development stage, in line with Building Standards. The proposal complies with the aims outlined by NPF 4 Policy 1, 2, 9 and 11.

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 landscaping, underground storage attenuation, and sustainable urban drainage in the form of SUDs and swales.

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. Further to this the proposal is dramatically increasing sustainable drainage on site, with the current levels of hard standing being considerably reduced.

Surface water will be discharged via gravity to a rainwater harvesting tank with an overflow connection to the public combined sewer, with foul water being 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.

The supporting Flood Risk Assessment confirms that a 40% allowance for increased surface water due to climate change in a 1 in 200-year event is proposed, SEPA confirms within its consultation that it is satisfied with the proposed drainage strategy.

Edinburgh Council Flood Planning raised concerns that the site could cause flooding to the Sainsbury's car park to the east of the site. Subsequently to the consultation being received a considerable amount of soft landscaping has been introduced, with the hardstanding originally being proposed on the eastern boundary being replaced by green space, further mitigating the flood risk to the neighbouring site.

The proposal causes no major flood risk to the surrounding area, with both SEPA and Scottish Water consultations offering no objection to the proposal. The proposal complies with NPF policy 22 and LDP policies Env 21, Des 6 and RS 6 which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity and Trees

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.

Biodiversity is a crucial element of the site with the proximity of the Water of Leith. It is critical that biodiversity is protected from degradation or destruction. The development is restricted by a 15m boundary from the Water of Leith. A Tree survey has been submitted and states that 3 of the 39 trees within the site boundary are to be removed to make way for the new development. This loss is to be mitigated by supplementary planting of 141 trees that are proposed on site. A tree protection plan was submitted which demonstrates that development will be out with the root protection zone where existing hardstanding is not currently in place.

The species proposed are of appropriate scale and type to support biodiversity along the boundary as well as to provide visual interest and shelter within the site. The trees that are proposed within the site will also encourage and support biodiversity along with the proposed low-level planting which will suit the local environment. Further to removal a large, mature crack willow will require crown management to make safe and to reduce crown spread.

A supporting ecological report was undertaken. A bat assessment was undertaken which determined that there were low potential features for roosting bats. Further protected species that were outlined were otters and nesting birds. The ecological report recommended protection measures which are to be conditioned to the applications approval.

With the conditioned protective measures attached the development will protect, support, and encourage local biodiversity and have little 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 proposal meets 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. The proposal also complies with NPF policy 22 and LDP policies Env 21 and RS 6 which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Sustainability, Design and Sense of Place

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Design

The design concept draws upon the existing positive characteristics of the site and surrounding area, resulting in a coherent and integrated design from a variety of views and perspectives. The form of the development has actively responded to the natural shape of the Water of Leith, whilst developing internal greenspaces within the site. There are two main architectural forms which are 'colony-style' flats that have exterior stairways and 'contemporary style' flatted blocks with internal communal access.

The development consists of mainly three and four storey blocks with a five-storey block on the eastern element. Though the development is of a larger scale than the original massing, the overall composition is sympathetic to the former commercial development on the site in form and scale. The height of the new development will have no impact on any of Edinburgh's Protected Skyline Views.

The primary building material use is light and warm muted/grey colour brick. The use of brick colour will vary in tone in to emphasise texture. An off-white dry dash render is proposed on the northern river elevations to brighten the north-facing riverbank and enhance the positive sense of community. Within the brick gable ends the use of light render suggests subtlety and is intended to break their solid form, allowing a transition between brick, and rendered river elevations and between differing eaves height.

Block entrances are emphasised and marked with setbacks, rotations, and a number of small variations in the elevation treatment. Precast concrete bands are to mark common entrances and key areas. Precast window surrounds are to feature in the colony dwelling. Generally, the brick is to be laid in stretcher bond. Flush vertical stack bond is proposed to mark the common entrances. A variety of textured brick bonds are to highlight the communal storages hence animating the ground floor.

Alternative banding has been proposed within the commercial element. The site entrance feature is intended to highlight the commercial units and mark the site entrance. Further signage is to include historic and archaeological references. The historic references are to help contextualise the development with the history of the site, to benefit place making and add an extra layer of identity for the new development. The use of material and form allows a clear language of style that helps to develop sense of place.

Views

A verified view of the proposed development has been provided within the application from Wester Craiglockhart Hill. The view demonstrates that the development will become less conspicuous than the former development that occupied the site. As there would be no adverse impact on important views the proposal is in accordance with Des 11.

Landscaping

The proposal has responded to its relationship with the Water of Leith and its historical industrial history. Through the adoption of blue-green landscape incorporating swales, SUDS, and landscape planting. The proposal is able to thread wildlife corridors within the proposal whilst creating an accessible and permeable environment. A planting scheme including trees tailored to wet soil, shrubs, grasses, and seed mix is proposed in this space.

Through the development of open green spaces, the development creates focal points for both biodiversity and residents to thrive. Two main green spaces have been provided, the central village green and communal garden which are both publicly accessible. Further to these two spaces are several pocket parks and informal seating spaces. The colony flats and some ground floor flats within the development also have private gardens.

The landscaping scheme has outlined that the roads hardstanding is to be traditional tarmac and Herringbone paving to improve traffic calming, with parking spaces adopting permeable paving. The active travel network and pedestrian paths will be textured concrete paving, including road crossings.

A variety of street furniture is proposed comprising of bench seating, informative interpretation panels, informal play seating, and log pile play areas.

A large portion of the site's boundary is to be made up of native planting. The applicant has implemented an alternative boundary type where the site neighbours industrial and commercial use, which includes 4m high acoustic boundary on the southern edge bordering with Advanced Autos and the Imperial Palace Restaurant.

The site has comprehensively integrated the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services, and SUDS features. The streets and active networks proposed within the development are direct and interconnected to ensure ease of access to local centres and public transport and the new public spaces within the development itself. Car parking areas and pedestrian and cycle paths are overlooked by surrounding properties developing safe and convenient access and movement in and around the development. Promoting the needs of people with limited mobility or special needs.

Accessibility, Transport and Parking

The proposal is accessible from the southern edge from Inglis Green Road, with a main entrance for vehicles, pedestrians, active travel, and servicing. Future access has been made for the T7 pedestrian bridge to be developed which would allow future pedestrian and active travel from northern edge of the site.

Bicycle parking is available internally within every block of the development, with a total of 272 parking spaces for cycles, inline with the City of Edinburgh's Parking Standards as outlined within the Design Guidance. The proposal is in accordance with Policy Tra 03 as the development proposes cycle parking and storage provision which comply with the standards set out in Council's guidance.

Vehicle parking is limited within the site to 32 spaces which includes 4 accessible parking spaces. A ratio of 1:6 of which are EV. The low parking provisions support pedestrian first approach to the development. The site is in close proximity to necessary amenities as well as good public transport links, by bus and train. Consideration has been given to the effect that the development could have on other residential parking through overspill. Within the applicant's transport assessment, it was deemed unlikely that this would occur as the nearest appropriate parking is either on or beyond Inglis Green Road 60m to the south of the site. The measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking is supported by LDP Policy Des 6.

The application supports Policy Tra 2 Private Car Parking as the development has not proposed car parking provision exceed the parking levels set out in Council guidance. Parking is also in accordance with Policy Tra 4 as it does not impinge on active frontage or public spaces.

The proposed development does not prevent the implementation of a proposed cycle path or footpath, nor would it be detrimental to a path which forms part of the Core Path network or prejudice the continuity of the off-road network. The proposed development would also not obstruct or adversely affect a public right of way, nor would it prejudice the possible incorporation of an abandoned railway alignment into the off-road path network. The proposal thereby supports Policy Tra 9 Cycle and Footpath Network.

A traffic flow analysis was carried out within the applicant's transport assessment which demonstrated that the development would only cause a negligible effect on the traffic flow of the immediate area.

Lighting

The incorporation of photovoltaic panels at roof level have been proposed to power communal internal and external lighting and providing power direct to colony dwellings. Energy saving light fittings are to be installed throughout the development.

The current proposal has not provided a lighting plan for the external lighting of the development. A condition attached has stated that an exterior lighting plan must be provided and agreed upon prior to any development taking place on site.

Sense of Place

Through a clear design concept and architectural style balanced with a distinct use of material the proposal has developed a strong sense of place. The proposed development will create a new, distinct place which responds to the existing characteristics of the site whilst providing public and private greenspaces that are accessible via permeable active network. The main village green will further enforce a sense of place and encourage this area to become a hub for leisure and living activities.

Affordable Housing

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 on-site.

As per LDP Policy Hou 6 the development will include 25% affordable housing (based upon total 120 housing units this will equate to 30 affordable housing units). The proposed affordable housing mix comprises a wide variety of types (including 1 bedroom, 2 bedroom and 3-bedroom homes). The proposed Affordable Housing Units are 'tenure blind', are well integrated with the private housing and are suitable for most affordable housing tenures (including Social Rent). The Applicant has consulted with Wheatley Group, a Registered Social Landlord (RSL), who are fully supportive of the planning application and in principle would be willing to develop the proposed Affordable Housing Units subject to agreeing a build contract at the appropriate time.

The proposed Affordable Housing Units are in close proximity to local amenities, services, and public transport. The proposed Affordable Housing Units will have an equitable share of all common facilities (including cycle parking, bin stores, etc).

The delivery of the Affordable Housing Units will be secured via a Section 75 Planning Agreement. The delivery of affordable housing on site meets the 25% requirements set out by Edinburgh Council's Guidance, as so the proposal in accordance with NPF 4 Policy 16 and the LDP Policy HOU 6.

Education Infrastructure

The site falls within Sub-Area T4 of the Firrhill 1 Education Contribution Zone.

The proposed development is required to make financial contributions of £398,034 towards the increasing capacity of secondary education infrastructure respectively within this zone. This sum is calculated on the basis of the 'per flat' rate for 120 proposed flats within the development at £4,914 per flat (excluding the one-bedroom and studio flats).

An informative has been added to secure these contributions through a legal agreement.

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

The proposal's neighbouring properties are all within commercial and industrial use, with the nearest residential property being situated beyond the water of Leith. The development would not adversely effect neighbouring amenity in terms of noise, air quality, daylight, sunlight, privacy, or immediate outlook.

The nearest residential properties to the proposed development are a sufficient distance away from the commercial operations on the site, so there are no concerns regarding the impact of noise on exiting surrounding residents.

A Noise and Impact Assessment (NIA) was carried out and found three potential noise sources, road traffic associated with the Sainsbury's and the associated filling station, adjacent commercial and industrial use and music from the dance studio and Masonic Hall.

Mitigation measures have been introduced to diminish the effects of noise on the residential amenity of the development,

- Double glazing and acoustic trickle vents on to south-east and southwest elevations of Block 5
- 4m high acoustic barrier
- Fixed windows to habitable rooms facing/exposed to commercial activity.
- Secondary opening windows proposed to same rooms.
- Impact not greater than to existing dwellings - no mitigation required.

The development is acceptable under the Edinburgh Councils guidance and with no nearby properties to the site. As so the application would be in accordance with LDP Policy Des 5 and NPF4 Policy 23.

Daylighting and Sunlight

The applicant provided sunlight studies that demonstrated that gardens and amenity spaces receive the minimum of more than two hours of sunlight during the spring equinox. The design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses supporting the LDP Policy Des 5.

Open Space

The proposed amount of open green space on site is 16,956 sqm. This open space comes in the form of a village green, pocket parks, private gardens, and shared residential gardens. A net gain of 13,194 sqm of total green space will be introduced, equating to a 708% increase on site. This will see the existing green space of 2,170 sqm being increased to 15,364 sqm. 22.2 % of the of the site is publicly accessible green space (not including the green corridor). With private gardens amounting to 7.4%.

The provision of these private, formal, and informal amenity spaces meets the requirement of LDP policy Hou 3 and will create an attractive development with well-designed and useable amenity space.

Waste/Serviceing

Full provision for refuse and recycling collection facilities is proposed on site for the occupants and will be located in a number of stores. The stores are to be easily accessible by residents and by the council operators from the kerbside. Main door colony-style properties are to benefit from private individual wheelie bins.

Subject to condition, the proposal complies with the aims and intention of LDP Policy Des 5 and 6. The proposal would also be consistent with the waste hierarchy and complies with NPF policy 12.

Summary of Sustainability, Design and Sense of Place

In conclusion, the design of the development is based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area and will create a new sense of place and support sustainable 20-minute living, in compliance with NPF 12, 14, 15, 16 and 27 and LDP Policy Des 1, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Hou 6, Tra 9, Tra 2, Tra 3 and Tra 6.

Archaeology

National Planning Framework 4 Policy 7 intends to protect the historic environment, and criterion o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The development will require significant ground breaking works which could reveal archaeological important evidence relating to the development of the site's milling heritage dating back to 17th century. Accordingly, it is recommended that a programme of archaeological work is undertaken prior to development in order to fully excavate and record any significant remains which may be impacted upon. This can be dealt with by a condition.

Subject to the recommended condition, the proposal complies with the aims and intentions of NPF 4 Policy 7.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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 Comments

43 public contributions were received in relation to the proposal, 35 objections were made and 3 in support.

Material considerations

Objections

Access, Parking, and Infrastructure

- Additional impacts caused by the vehicular transport will be increased by the development, such as the volume of traffic, noise pollution and air pollution. This has been discussed within section.
- Concerns that the development will increase pressure on an already struggling road network. Currently there are issues with traffic flow along Inglis Road, which is not wide enough to accommodate parking, cyclists, and buses, let alone the volume of traffic.
- The site only has 40% of the necessary parking outlined by City of Edinburgh Council's parking standards in Zone 3. The 272 cycle spaces is too high compared to the 48 car parking spaces offered. The 4 accessible parking spaces offered is too low, discriminating and limiting those who can live within the development.
- More EV charging spaces should be installed in line with the city of Edinburgh's net zero ambitions in 2030.

Design & Landscape

- The current active network throughout the proposal is too narrow.
- Concern of the provision of refuse and recycling bin spaces and the access for refuse collection.
- The development is too tall and that all the buildings should be the same height. The development should not be taller than the original Bookers development.
- The active infrastructure node opening towards the Water of Leith should be moved to a more central location to where the existing access point is on the opposite side of the river, ultimately improving accessibility, safety, and connectivity.
- The location of the development being too close to the Water of Leith.
- An objection was given that more lighting should be increased in the proposal by incorporating the main artery of the active travel network into the development.
- The effect the development will have on biodiversity and natural habitats on the boundary of the water of Leith.
- Concern that existing commercial activities produce noise pollution that would damage the amenity of the development to a level that is unacceptable. There is concern that the development if built would risk the operations of the commercial enterprises, due to levels of noise complaints. It should be reassured by the developer and council that this is not going to happen. Without such reassurance, established nearby businesses face uncertainty of potential disruption to existing operations.
- A large volume of objections were raised in regard to a lack of a bridge being provided within the development, one of which was from the Water of Leith Conservation Trust. It has been stated that a bridge must be added to the development to provide better pedestrian access between Longstone and Chester across the water of Leith.

Affordable Housing

- Concern that the provision of affordable housing is primarily for one- and two-bedroom apartments which is not suitable for families. More two and three-bedroom dwellings should be made available.

Pedestrian Bridge Location & Delivery

- Have the developer supply a pedestrian bridge under a section 75.
- Community members and The Water of Leith Conservation Trust further objected to the positioning of the proposed cycle way footpath safeguarding route. The position detailed within the proposal was set within the City of Edinburgh Council's Development Plan, under T7 Inglis Green Road. This situation was selected before the demolition of the Bookers Wholesaler between the original development and Sainsbury's supermarket. The positioning has been incorporated into the development better connecting existing active travel infrastructure on the Chester bank and in a position that is more sympathetic to biodiversity and the natural environment.
- The Water of Leith Conservation Trust objected to the development as it believes the development should provide a pedestrian bridge across the Water of Leith as part of the accessibility and amenity of the development.

The development is not required under a section 75 to provide this level of infrastructure. The proposal has incorporated the position for a pedestrian and the necessary active travel infrastructure within the development. This has been discussed within section”.

Non- material considerations

- The development should provide more commercial opportunity.
- A concern to the being overlooked by 'tower blocks.'
- It would be better for this to be a 'no car' ownership development to minimise impact on traffic volume locally.
- The applicant conveys regard for the natural environment and biodiversity, and a significant action which would reflect that in taking forward the proposed development would be incorporation of a meaningful number of swift nest bricks. If consent is granted, there should be recommendation of that provision.
- The area needs more felicities in the form of soft play and activity centres for locals.
- The development only has parking for 48 cars, this will increase the pressures on Sainsburys and the street parking on Inglis Green Road.
- There is already too much housing in the local area.

Conclusion in relation to identified material considerations.

There are no equalities or human rights issues. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The development is in accordance with the development plan. The proposal will deliver a sustainable and well-designed urban residential scheme that responds harmoniously with the surrounding mixed-use area of the site, to create a strong sense of place. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site.

The proposal is consistent with the six qualities of successful places as set out in NPF4. The design and layout draw upon the distinctive nature of the site and will create a strong sense of place. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The development is congruous to its situation between mixed use commercial and industrial uses and the water of Leith. By improving and increasing green landscaping, the development creates an accessible and permeable development that supports active travel 20-minute neighbourhood principles. The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Subject to recommended conditions and an appropriate legal agreement, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Edinburgh Design Guidance. 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. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, public engagement, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. The trees on the site shall be protected during the construction period by following the Tree Protection Plan that has been provided by Alan Motion Consulting.
4. Prior to the commencement of development details for secure residential cycle parking shall be provided by the applicant for the consideration and approval of the planning authority, in accordance with the design standards as set out in the Edinburgh Design Guidance and the Council's cycle parking guidance.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. No development shall take place on site until such time as a lighting scheme has been submitted to and approved in writing by the Planning Authority. The lighting scheme shall be carried out only in full accordance with such approved details.
7. The ecology on site shall be protected during the construction period by following the recommendations outlined within the applicants Ecology Assessment that has been provided by Findlay Ecology Services.
8. Details of visitor bicycle parking spaces shall be provided by the applicant for the consideration and approval of the planning authority. Thereafter the approved spaces shall be available for use at the development prior to its first occupation.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard protected trees.

4. In order to ensure that the level of cycle parking provisions and access is adequate.
5. In order to ensure that the approved landscaping works are properly established on site.
6. To ensure any lighting associated with the development meets Edinburgh City's Design Guidance.
7. In order to safeguard protected ecology.
8. In order for the development to comply with the Council's bicycle parking standards and to provide appropriate sustainable travel facilities.

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. 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, delivered in accordance with the Council's affordable housing policy and guidance.

Education Infrastructure

- the sum of £398,034 towards the increasing capacity of secondary education infrastructure respectively within Sub-Area T4 of the Firrhill 1 Education Contribution Zone. This sum is calculated on the basis of the 'per flat' rate for 120 proposed flats within the development at £4,914 per flat (excluding the one-bedroom and studio flats).

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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 9 May 2022

Drawing Numbers/Scheme

01 - 03, 04A, 05, 06A - 10A, 11, 12A - 13A, 15A - 21A, 22 - 24, 25A - 28A, 29, 30, 31A - 34A, 35, 36, 37A, 38A, 39 - 46

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Communities and Families

COMMENT: The site falls within Sub-Area T4 of the Firrhill 1 Education Contribution Zone.

The proposed development is required to make financial contributions of £398,034 towards the increasing capacity of secondary education infrastructure respectively within this zone. This sum is calculated on the basis of the 'per flat' rate for 120 proposed flats within the development at £4,914 per flat (excluding the one-bedroom and studio flats).

An informative has been added to secure these contributions through a legal agreement.

DATE: 13 June 2023

NAME: Archaeology Service

COMMENT: No objection subject to recommended condition in full response.

DATE: 26 May 2022

NAME: Affordable Housing

COMMENT: The consultation confirmed that 'The applicant has made a commitment to provide 25% on site affordable housing for social rent and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community'.

DATE: 15 August 2022

NAME: Scottish Water

COMMENT: No objection.

DATE: 31 May 2022

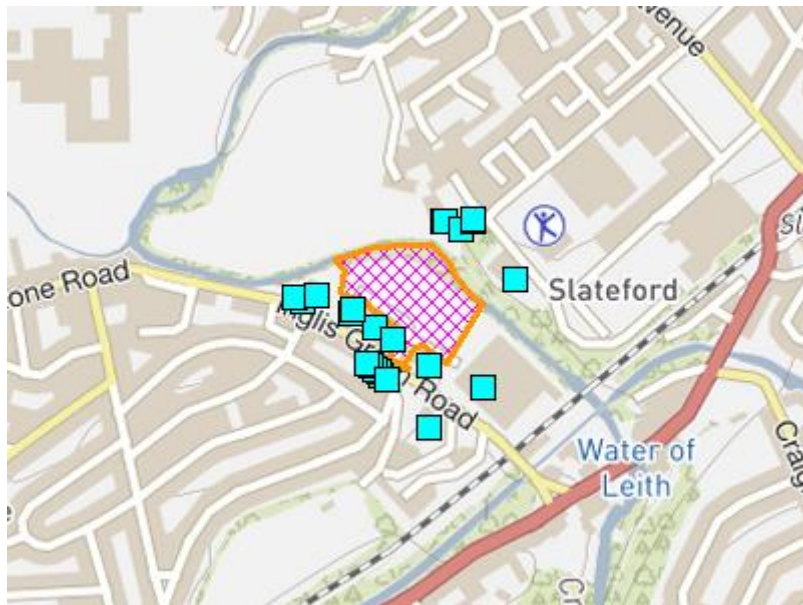
NAME: Longstone Community Council

COMMENT: No Objection.

DATE: 21 June 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 21 June 2023

Application for Planning Permission

The Meadows Public Park, Melville Drive, Edinburgh.

Proposal: Edinburgh Festival Fringe venues site comprising two performance venues, a box office, bars, food traders and ancillary offices and storage.

Item – Committee Decision

Application Number – 23/01344/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application is located within the Meadows. The site is positioned between Middle Meadow Walk and Boys Brigade Walk and to the north of Melville Drive.

To the north there are a number of listed buildings including: the former Royal Infirmary Medical Pavilions (Category B, Ref LB30307, 31 May 1994); 16 to 29 George Square (Category A, Ref LB28810, 14 December 1970); and, University of Edinburgh, Main Library, 30 George Square (Category A, Ref LB50191, 17 January 2006)

To the North is also the Southside Conservation Area and the southern boundary of the Old and New Towns of Edinburgh World Heritage Site runs along the edge of the Meadows at the former Royal Infirmary Medical Pavilions.

This application site is located within the Marchmont, Meadows and Bruntsfield Conservation Area.

Description of the Proposal

The proposal seeks to create two temporary performance venues, the Circus Big Top (550 people capacity) and the Speigeltent (450 people capacity) with a bar, toilets, ancillary offices, and storage. Entry to the wider site is non-restricted and free of charge, while entry to the venues will be by ticket only.

There will be ramped access throughout the site and into all performance venues with accessible toilet available within the main toilet area of the site.

Proposed Key Dates

Build period: 28 July to 3 August 2023;
Operational Period: 4 - 26 August 2023;
Strike Period: 27-29 August 2023.

Technical Rehearsals Hours

Technical rehearsals will take place between 10:00 - 00:00 between 2nd - 4th August and 10:00 - 17:00 on 5th August.

Proposed Operational Hours

Site Open: 10:00-00:00
Performance Schedule: 11:00-23:00.

A waste compound would be provided for any waste with collections by a private contractor.

Supporting Information

A Planning Statement and Noise Management Plan was submitted with the application which is available to view on the Planning and Building Standards Online Services.

Relevant Site History

No relevant site history.

Other Relevant Site History

15 June 2022 - Application Granted for Edinburgh Festival Fringe venue site comprising two temporary performance venues, box office, bar, food trader's toilets and ancillary offices and storage. - 22/01364/FUL

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Environmental Protection

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change - Setting

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the installation, and its distance, some way away from the listed buildings, with the trees in between, it does not harm the setting of the nearby listed buildings.

Conclusion in relation to the listed building

The proposal will have no detrimental effect on the setting of nearby listed buildings. The proposal therefore is acceptable with regard to section 59(1) 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 application is located within the Marchmont, Meadows and Bruntsfield Conservation Area. The Conservation Area Character Appraisal notes that the spatial character is overwhelmingly characterised by the open parkland, the Meadows and Bruntsfield Links are traversed by a web of scenic tree lined walks and jointly form the largest area of recreational open space in the city.

The temporary nature of the structure is a material factor in the assessment of any impact on the character or appearance of the conservation area. The structure will be set within the context of the large area of open space and will not impact on the skyline.

The proposal will not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will preserve the character and appearance of the defined conservation area and it therefore 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?

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

- NPF4 Historic Assets and Places Policy 7
- LDP Design policies Des 1, Des 4, Des 5
- LDP Shopping and Leisure Ret 8

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

Use

Policy Ret 8 Entertainment and Leisure Developments - Other Locations of the LDP sets out criteria to assess proposals for entertainments and leisure uses for sites outwith the town centres. The policy states:

Planning permission will be granted for entertainment and leisure developments in other locations provided:

- a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable
- b) the site is or will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally
- c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character

d) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

The site is located in an area adjacent to the city centre as defined in the Local Development Plan. Criterion a) of the policy is considered to be met in these circumstances Transport aspects in relation to criterion b) are considered below. Given the temporary nature of the installation, the positioning of the structure ensures it integrates adequately into its surroundings. Criterion c) is therefore met. Impacts of noise and disturbance in relation to criterion d) are considered below.

A letter of representation has raised the issue with the loss of open space and the limitations placed on access across the site of the proposed entertainment Hub. A balanced decision has to be taken on whether the loss of the use of the open space for a period of just over a month outweighs the public use of the site. The area proposed for the event occupies a central part of the Meadows and will restrict community access within this part. However, the majority of the Meadows will remain for community access. It is therefore considered that the temporary loss of the open space is justified in this instance.

The principle of the use of the site at the Meadows is acceptable given the temporary nature of the proposal is supported in this location.

Impact on the character and setting of the listed building and conservation area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with NPF4 Policy 7.

Impact on Amenity

There are no residential properties immediately adjacent to the development.

A letter of representation has raised concern on the condition the Meadows will be left in following the event. Whilst the concerns are understood this is a matter for the Council as owners of the Meadows to address as part of any licence/ agreement with the operator. This is not a material consideration.

There are trees that line either side of the proposed site and care should be taken to ensure that there is no damage. It is proposed that a condition is added to any permission which will require the submission of a tree protection plan and method statement prior to the commencement of development.

Transport Implications

The proposal is located within a central location and no parking will be provided for the event. The site is considered to be in an accessible location. A condition is proposed to address the concerns over heavy vehicular access to the site in relation to surface and tree damage. This would require the submission of an access strategy for the site.

A number of the operation matters would be covered by any licensing/ temporary traffic orders that would be required. The proposal would also be subject to an Events Planning Operation Group process.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal is supported in this location.

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

One letter of objection was received and is summarised below:

material considerations

- Noise pollution disturbing residents - addressed in section Amenity
- Excessive and will prevent local peaceful enjoyment of quiet green space - addressed in section Amenity
- Curtail access for the public - addressed in section Use
- Damage to the grass and soil
- Damage to the trees and root system - addressed in section Amenity
- Not consistent with the character of the Conservation Area - addressed in section B

non-material considerations

- Proposals not coherent with the Edinburgh Improvement Act of 1827

Conclusion in relation to identified material considerations

The proposals are in compliance with the other material considerations that have been identified above.

Overall conclusion

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Prior to the commencement of development an access strategy shall be submitted and agreed with the Planning Authority in terms of the access of vehicular traffic across the site to cover both the build and the operation of the event. Any agreed measures shall be implemented in full as part of the development.
2. Prior to the commencement of the development a tree survey and tree protection plan shall be submitted to and agreed in writing with the Planning Authority. Any protective measures required shall be maintained on site for the duration of the development.
3. The development hereby approved shall be permitted during the time period of 28 July 2023 - 29 August 2023 (32 days) only and all structures shall be removed from the site by 29 August 2023. A 32 day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2024 and 2025. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2024 and 2025.
4. Prior to the commencement of development the applicant should provide a strategy to ensure accessible access to the site is provided from Middle Meadow Walk and implemented prior to the operation of the event.

Reasons

1. In the interest of access to the site.
2. In the interests of protecting the current trees on the site.
3. In recognition of the temporary nature of the proposals.
4. In the interest of access to the site.

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: 27 March 2023

Drawing Numbers/Scheme

01-09

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail:adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objection

DATE: 25 April 2023

NAME: Environmental Protection

COMMENT: No objection.

DATE: 28 April 2023

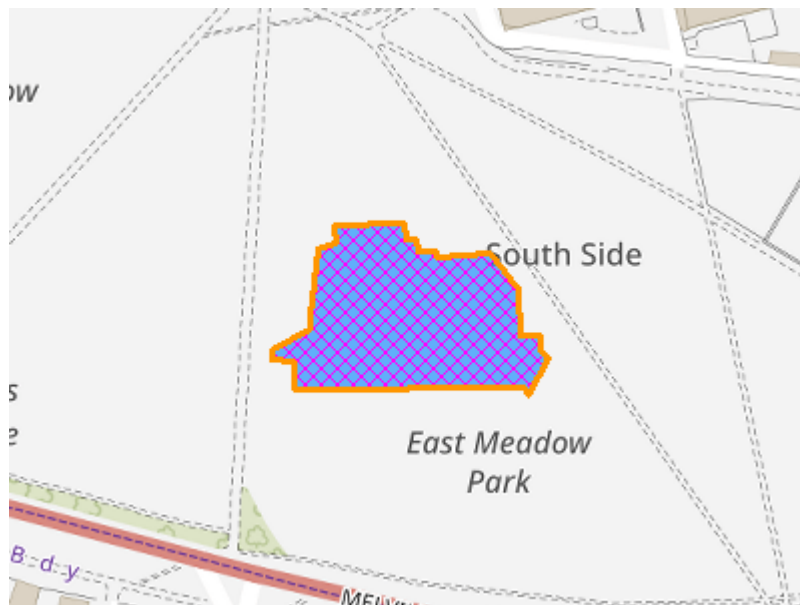
NAME: Archaeology

COMMENT: No objection

DATE: 25 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 21 June 2023

**Application for Approval of Matters Specified in Conds.
Land 445 metres north of 103 Newcraighall Road, Edinburgh.**

Proposal: Approval of matters specified in conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space, and infrastructure.

**Item –
Application Number – 22/03946/AMC
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 the Council has an interest in the development. There are also 92 representations received.

Recommendation

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

Summary

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There is no detrimental impact on the identified Scheduled Monuments too.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the relevant matters specified in conditions 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP. The proposals are deemed to have satisfied the initial parts of condition 6 and 9.

However, these conditions and conditions 2(e), (h), (i), (j) (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7, condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.

The proposals will contribute toward the creation of a sustainable place, with a local centre and school as its focus, on an LDP allocated site by the incorporation of a range of detailed design and layout measures to preserve the historic assets, and promote active travel and provide open spaces for healthy living. The proposals contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive open spaces and blue /green infrastructure. Productive places are created through increasing opportunities for local spending and employment within the local centre.

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

SECTION A – Application Background

Site Description

The site covers approximately 30 hectares of greenfield land in the Brunstane area of east Edinburgh. It comprises agricultural land with some grassland, scrubland and mature trees at the site boundaries. The site is accessed via an existing field track access from Gilberstoun near Brunstane House. Informal paths enter the site from the south, west and north, and the East Coast Mainline Railway provides the eastern boundary of the site. An existing bridge for agricultural use forms a vehicle crossing into adjacent eastern field of the wider PPP site. Areas of dense woodland exist to the north of the site, along the John Muir Way, and beyond the eastern site boundary, across the east field, Newhailes House, gardens and Designed Landscape. The site undulates sloping from west to east with a 10-metre slope down from the railway line to the north-east corner of the site. To the north is the John Muir Way, a recreational footpath adjacent to the Brunstane Burn, and a Local Nature Conservation Site. Beyond this, there is a mix of uses including residential and Edinburgh College, and beyond the railway line, cemetery grounds.

The southern boundary is formed by a disused railway embankment that now carries a footpath/cycle path, part of National Cycle Route 1 (NCR1), and a high voltage transmission line follows the same route. There are also residential properties of the Newcraighall north site immediately to the south of NCR1 and other residential properties accessed from Newcraighall Road. A bowling club is located on Newcraighall Road to the south of the site. Residential properties forming the Gilberstoun area are along the western boundary of the site with some mature woodland. There is a strip of scrubland with some mature trees which is a Nature Conservation Site separating the proposed development from existing residential properties. There are two Scheduled Monuments (SMs) within the site - Brunstane Enclosure within the western field (reference No.10580, designated on 14 January 2003) and Brunstane Moated site within the western field (reference No. 4112, designated on 25 January 1978). The application site boundary is along the listed boundary walls of several of the adjoining properties - Brunstane House and Wanton Walls Steading. There are a number of listed buildings in close proximity to the site:

Brunstane House, a category A listed building (LB reference: LB28034, listed on 14 December 1970) and Brunstane House Steading and Brunstane Farm Cottages (LB reference: LB28035, listed on 24 September 1991) are located on the western boundary. Wanton Walls Farmhouse and Steading is a category C listed building, (LB reference 46550, LB listed on 12 January 2000) and is located adjoining the site, on the southern boundary near the proposed access.

Description of the Proposal

The application seeks approval for matters relating to conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP and is for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space and infrastructure for the west field, excluding the school site as shown in the Location Plan. The 16/04122/PPP was granted planning permission on 20th November 2020 with an informative that AMCs must be made within 7 years of this date. Therefore AMC is acceptable in terms of timing.

To summarise these conditions:

- Condition 1 requires a phasing framework to be submitted identifying the individual sub sites and phasing including the location of the various uses and thereafter delivery is to be in accordance with the phasing framework;
- Condition 2 requires all information related to the detailed design and layout of the proposed development including built development, open space, bridge, location of residential and commercial units, access connectivity and linkages for pedestrians, cyclists and cars as well as infrastructure - site remediation, waste, surface water management. Sustainability and landscape proposals are also to be detailed;
- Condition 5 requires the development to be carried out in accordance with the mitigation measures set out in the Environmental Statement and a revised schedule of mitigation for each phase; and
- Condition 7 requires an invasive non-native species protocol to be approved and implemented.

These conditions are being discharged (although condition 2 is discharged in part as detailed below) at this time for the west field excluding the school site.

The following conditions have also been applied for:

- Condition 6 requires a written scheme of investigation for archaeology to be agreed and implemented;
- Condition 8 requires a site survey for contaminants to be carried out detailing any remedial or protective measures which should then be implemented;
- Condition 9 requires a scheme of intrusive site investigations for mining to be undertaken and findings report submitted;
- Condition 10 requires details of work to manage or remove tress, mitigation of losses and tree protection measures;
- Condition 11 requires details of cooking ventilation systems when details of specific use classes 3, 8, 10 and 11 are available;
- Condition 13 requires details of a site-wide landscape masterplan to coordinate layout, specification and materials and its implementation;

- Condition 14 requires details of the treatment of the Scheduled Monuments and their implementation, for phases that include them; and
- Condition 15 requires details and implementation of an Archaeological Conservation and Management Plan for both Scheduled Monuments.

Whilst some information has been submitted for these conditions, it is set out below in details why these conditions are not being discharged at this time for the west field excluding the school site.

The following conditions are also part of 16/04122/PPP:

- condition 3 relates to approved landscaping plans being implemented according to the phasing framework;
- condition 4 relates to the Eastfield Newhailes Edge only and
- condition 12 which states that the details of the reserved matters submitted pursuant to this permission shall be substantially in accordance with the Amended Strategic Masterplan, Strategic Landscape Framework, Strategic Movement Framework and Strategic Masterplan Report and Design Code (as revised) as submitted with and accompanying the application reference 16/04122/PPP, as approved by the planning authority and according with the design parameters and architectural approach identified in the Masterplan Design Code.

Therefore whilst, condition 12 is not being discharged at this time, it is relevant to the assessment of this AMC application as all proposals need to be substantially in accordance with the PPP strategic masterplan framework and other documents.

It is to be noted that several further applications for matters specified in other conditions of the PPP will be submitted in future in order to discharge the remaining conditions for the west side of the site and facilitate delivery of the east side of the railway line under the same planning permission in principle. A legal agreement has also been concluded for the planning permission in principle 16/04122/PPP in November 2020.

Taking reference from the Edinburgh Local Development Plan (LDP) Site Brief for HSG 29, the PPP including the amended strategic masterplan framework, strategic landscape framework and strategic movement framework and accompanying Strategic Master Plan Report and Design Code that support application 16/04122/PPP, the applicant has submitted information in the form of detailed drawings and technical studies to address matters in specified conditions.

The proposals include 676 dwellings comprising 507 private and 169 affordable properties. The property types proposed are a mix of 2, 2.5, 3 and 4 storeys in height and comprise terraced, semi-detached and detached dwellings as well as a range of flatted blocks some with commercial uses on the ground floor.

The private housing is a mix of two, three, four and five bedroom houses and one, two and three bedroom flats. There would be 51 two-bedroom houses, 89 three-bedroom houses, 242 four-bedroom houses and 55 five-bedroom houses. There would also be 3 one-bedroom flats, 55 two-bedroom flats and 12 three-bedroom flats.

There are 22 different house and apartment types including 206 detached dwellings, 282 semi-detached or terraced dwellings and 188 flats across the site.

The affordable housing is a mix of two and three-bedroom houses and two and three-bedroom flats. There would be 28 two-bedroom houses, 23 three-bedroom houses, 90 two-bedroom flats and 28 three-bedroom flats. The Registered Social Landlord has been identified as Hillcrest Housing Association.

The 25% of affordable housing units are on site and comprise a range of suitable tenures including 115 units for social rent (68%) and 54 units for mid-market units (32%). The 115 social rent units comprise 23 two-bedroom houses, 16 three-bedroom houses, 60 two-bedroom apartments and 16 three-bedroom enhanced apartments. The midmarket rent units comprise 42 flats, and six two-bedroom houses and six three-bedroom houses.

Local Centre

There are 16 commercial units proposed in the local centre. The commercial floorspace is 1,298 square metre which could comprise a 739 square metre medical centre on the southern side of the local centre. It is intended that class 1, 3, 10 and 11 uses would be allowed across the local centre and that this accommodation would come forward in phases 2 and 3 of the proposed development.

Transport Infrastructure

Developer contributions secured under the PPP are set out in the legal agreement and included within this AMC as briefly summarised below:

- Secondary Pedestrian and Cycle Bridge over the Main East Coast Railway Bridge. Details of the proposed bridge design have been submitted with this application;
- Construction of a signalised junction, including cycle and pedestrian facilities at the south-eastern access on Newcraighall Road; Details have been submitted with the application and
- Engineering works are required to provide the new infrastructure and access points to the site.

The remaining items are secured under the PPP and within the legal agreement:

- Mitigation to the old Craighall junction and upgrade of bus stops on Newcraighall Road;
- Cycle parking at Brunstane Station and Newcraighall Station and
- Main East Coast Railway Line Bridge to be designed and built as part of the East Field - outwith this AMC application;

Access

The proposals include providing a new traffic-light controlled junction arrangement at Newcraighall Road and Benhar Road. This will provide the primary access into Brunstane for pedestrians, cyclists, public transport and cars. The carriageway would be 6m wide. All construction traffic would be taken through this access.

A secondary access, 4.8m wide, is also to be created from Bauld Drive, for pedestrian, cycle and private car traffic. As this is a secondary route, the carriageway width is narrowed with traffic calming features.

As required by the legal agreement, a new pedestrian and cycle footbridge over the railway is proposed in the south-east corner of the site with accessible ramp and stairwell.

A new railway bridge for vehicular access is to be designed and built as part of the east field of the development which will provide a link from the local centre to Portobello, however this is outwith the current AMC application. An area of white land is included within the site plan at the proposed bridge location to indicate that this area will be designed as part of the bridge design proposals and may require a small ramp.

In addition to the roads providing multi-modal access to Newcraighall Road in the south, pedestrian and cycle access is available in the north-east of site via a railway underpass beside Brunstane Bridge which connects to the John Muir Way. Active travel links will also provide access to Brunstane Road, west of the site.

Connectivity

As above, the proposals include connections into the existing network of paths surrounding the site, many of which are segregated from the vehicular road network. An alternative route to National Cycle Route 1 which traces the southern boundary of the development will be provided within the site, as part of the development. A new access into the John Muir Way to the north of the site will be provided. Both these routes will remain open during the construction of the development proposals, although there may be some diversions in place with the routes separated by 1.8 high Heras fencing from construction activity.

The existing right of way to the south of the site, alongside Brunstane Steading and the recently approved adjacent housing development (application number 19/01796/FUL) is integrated into the proposals alongside the proposed allotments. This route is future proofed to allow right of way as the route currently is but also, if diverted in the future, as is proposed under the adjacent planning application to take it through the neighbouring houses, it could still integrate with this route.

The proposed development includes a number of new cycle path and pedestrian connections across the site. A clear street hierarchy is used. The main primary route allows for a key bus route with four bus stops, as well as an active travel route from Benhar Road/Newcraighall Road around Brunstane Green open space to the local centre. The active travel route continues north and integrates into John Muir Way. Most of the secondary streets are shared spaces, being pedestrian and cycle focused as well as the active travel routes. The path network across the site will be accompanied by a package of signage and wayfinding that will link the site with the wider active travel network and local strategic destinations.

Cycle parking

There are 376 cycle parking spaces serving 188 flatted units in 11 residential blocks. All blocks contain 2 cycle spaces per flat. Internal secure cycle stores will contain single tier Sheffield stands, 20% of which will be accessible for non-standard cycles. A maximum of 56% of cycle parking will be two tier racks. A maximum of 20% of cycle parking will be served by accessible Sheffield stands located beside each block for residents and visitors.

All internal and external single tier racks will be Sheffield stands which can accommodate two bikes.

Total Number of Apartments = 188
 Total Number of Cycle Parking = 376 (200%)
 Total Number of Covered Cycle Parking = 296 (79%)
 Total Number of External Cycle Parking = 80 (21%)
 Total Number of Two Tier Parking = 212 (56%)
 Total Number of Standard 750mm Sheffield Parking = 44 (12%)
 Total Number of Larger 900mm Sheffield Parking for Non-Standard Cycles = 116 (31%)

The commercial floorspace comprises 1,298sqm but a range of use classes are allowed (Class 1, 3, 10 and 11).

- Class 1 - 9 cycle spaces.
- Class 3 - 18 cycle spaces.
- Class 10 (assumed Community Hall requirement at 1 per 67sqm as most onerous) - 20 spaces.
- Class 11 (assumed 1 per 10sqm for Gym use) - 65 spaces.

An additional 31 communal Sheffield Stands are provided in the public realm, 27 of which are available in and around the local centre (62 spaces in total). 20% of communal spaces will be accessible for non-standard cycles.

Car parking

Parking provision is a mix of in-curtilage and unallocated spaces with shared parking courts or on-street car parking. 598 spaces are provided of which 297 are unallocated spaces within the development. A further 183 properties have either an integral or detached garage. The proposed car parking equates to 84% provision across the site.

50 car parking spaces are communal EV charging spaces and all the properties with in-curtilage parking have provision for EV Charging capability for a 7.2KVA EV charger.

Heritage

The site contains two Scheduled Monuments which are to be incorporated into two parks: the 1-hectare Brunstane Green and Brunstane Park - which is directly adjacent to Brunstane House. The 1.6-hectare Brunstane Park is a significant area of open space to safeguard the setting of the nearby Brunstane House and other listed buildings. The setting of the listed building is also retained through the creation of view corridors across the site preserving the key views from Brunstane House towards the sea by the creation of the open space view corridor Lauderdale View, and towards Fife through the creation of the Fife View Corridor. Brunstane Walk is an identified area of open space to retain the link between Brunstane House and Brunstane Green. Locations have been identified for heritage interpretation boards in relation to the Scheduled Monuments within the site and the key views across the site.

Key Views, from Newhailes towards Arthurs Seat and the Pentlands, are included in detailed design as street view corridors. Several key views within the site, for example to Berwick Law have also been retained as a street view corridor.

Landscaping and Open Space

The masterplan focused on the landscaping and location of open space across the site to accommodate the Scheduled Monuments and key view corridors and integrate the site within the surrounding area.

This proposal includes three main areas of open space: Brunstane Park next to Brunstane House and accommodating a Scheduled Monument as well as a play area; Brunstane Green which accommodates a Scheduled Monument; and Lauderdale View which provides a key view from Brunstane House to the sea. There are also substantial areas of open space at the northern and southern site boundaries adjacent to the SUDS.

Landscaping Planting includes a mix of shrubs, ground cover, hedging, rain garden plants, fragrant shrubs, willow scrub mix and ecological wood mix as well as the new trees. A number of trees at the location of the railway crossing will need to be removed to allow the crossing to be built. Another small woodland group next to the NCR1 will need to be removed to facilitate the site access. These trees would be offset with others across the site.

Green/Blue Infrastructure

Two SUDS ponds are proposed to the north and south of the proposed site. There are also a number of swales within the open spaces and rain gardens within the streets.

Sustainability

Photo-voltaic panels will be provided on the roofs of buildings. In addition, the proposals include the installation of air source heat pumps, promoting passive sustainability through orientation of properties to maximise solar gain, provision for electric vehicle charging to homes and shared on street parking areas. The new properties are timber kit construction with materials from sustainable sources.

School

The proposed school is not part of this AMC application. However a 2.23 hectare serviced school site has been shown within the layout plans to illustrate the relationship with the school site. The delivery of a new primary school which will be the subject of a new separate application by City of Edinburgh Council.

Changes from Scheme 1

The layout is more pedestrian friendly, with more active travel routes across the site. The pedestrian bridge details have been improved. A further 0.76 hectares of open space was gifted to the school site to aid their design of the proposed school.

A larger local centre has been included with 16 units.

The total number of dwellings is the same however the affordable housing mix is more representative of the mix of dwellings across the site. Some of the dwelling types have been altered and the heights of some of the flats have been reduced from 4 to 3 storey in part. The flats design has been altered to include set back balconies, contemporary flats roofs and larger windows.

All the ground floor flats now have private patios or gardens. Bespoke flat types have been created to provide variety including 3-bedroom enhanced flats, set back balconies, contemporary design with a flat roof, larger windows and enhanced materials. The amenity space around the flats has been increased.

The affordable housing mix has changed with an increase in the provision of 3-bedroom flats to increase the level of affordable family housing. Affordable housing tenures are now only social rented and mid-market rented properties over phases 1 and 2 of the proposals. Golden share has been removed as an affordable housing tenure with the previous units becoming two and three bedroom houses. The affordable housing has more communal amenity space.

Car Parking provision has been substantially reduced across the site and cycle parking has increased.

Supporting Information

The following documents were submitted with the application:

- Air Quality Assessment;
- Archaeology written scheme of investigation, survey and evaluation;
- Affordable housing statement and letter;
- Bat Roost Survey and update;
- Breeding Bird Survey and update;
- Capacity Review and Development Impact Assessment Scottish Water;
- Community Benefit and Wealth Building Statement;
- Construction environmental Management Plan;
- Design and Access Statement and Addendum;
- Drainage Strategy Report;
- Electric Vehicle Charging Strategy;
- Environment Statement Updated Schedule of Mitigation Measures and update;
- Flood Risk Assessment and addendum;
- Invasive Weeds Survey and Horsetail management information sheet;
- Heritage Statement;
- Housing and School Report Site Investigation and Remediation Method Statement and update;
- Housing Site Investigation Report and update;
- School Site Investigation and Remediation Method Statement;
- Landscape Proposals Planting Statement and Specification;
- Local Centre Report;
- LVIA compliance Note and Visuals and Viewpoint plan;
- Noise Impact Assessment and Statement;
- Ownership Schedule;
- Planning Statement and update;
- Wildlife Surveys;
- Preliminary Ecological Assessment;
- Report of Consultation report;
- Replacement Road Bridge Information;
- Sustainability Statement Form;
- Transport Statement and update;

- Water Impact Assessment;
- Utility Location Survey and Report;

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

Relevant Site History

16/04122/PPP

Land 445 Metres North Of 103
Newcraighall Road
Edinburgh

Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended.)
Granted
20 November 2020

15/05835/PAN

Land 445 Metres North Of 103
Newcraighall Road
Edinburgh

Residential development, new primary school, new local centre including retail and other ancillary commercial uses and community facilities, parkland and other associated infrastructure.
Pre-application Consultation approved.
6 January 2016

19/01796/FUL

Land East Of 173
Gilberstoun
Edinburgh

Demolition of the existing dilapidated farm buildings and erection of 10 new houses with associated roads, garages and parking (as amended from 19 houses).
Granted
16 November 2022

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Nature Scot

Environmental Protection

The Coal Authority

Network Rail

Scottish Water

Historic Environment Scotland

East Lothian Council

Archaeology

The Coal Authority

SEPA

Environmental Protection

Network Rail

ScotWays

Flood Planning

Historic Environment Scotland

Affordable Housing

The Coal Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 24 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 May 2023 28 April 2023 26 August 2022

Section B - Assessment

Determining Issues

This report will determine whether the AMC application been submitted timeously in terms of the related planning permission in principle permission.

Due to the proximity of the proposed development to listed buildings, this report will 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?

The 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 Listed Buildings or their settings and protect the Scheduled Monuments

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires assessment of the proposals in relation to any potential harm to Listed Buildings or their settings. The Ancient Monuments and Archaeological Areas Act 1979 sets out to ensure any changes to monuments of national importance are appropriate and sympathetic their character to protect what is a rare and unique resource.

The Historic Environment Scotland Managing Change in the Historic Environment: Setting guidance is also relevant in the determination of this application. This highlights that setting can incorporate a range of factors including the current landscape or townscape context, views to, from and across or beyond the historic asset, key vistas, and the prominence of the historic asset or place in views through the surrounding area as well as aesthetic qualities.

A heritage statement has also been submitted which states that the proposals comply with condition 12 - being substantially in accordance with the PPP masterplan. It also states that the detailed proposals comply with the requirements of condition 5 of the PPP which states that the detailed proposals need to be in substantial accordance with the principles and requirements of the mitigation measures set out in the Environmental Statement.

The proposals are adjacent to the Category A Listed Building, Brunstane House. At PPP stage there were measures proposed to mitigate the impact and preserve the setting of Brunstane House including:

- Inclusion of 2 ha of open space (Brunstane Park), including the Brunstane Enclosure (SM);
- The creation of a view corridor 30m wide, centred on the middle view of the Grand Chamber, from Brunstane House, across Brunstane Park to the Firth of Forth - shown as the Lauderdale View;
- Orchard planting around the site of the former walled garden;
- An additional view corridor 20m wide, from Brunstane House/Park to Fife; and
- A widened (22m) Brunstane Walk connecting Brunstane House/Brunstane Park with Brunstane Green and allowing wider views from/to these historic assets.

At PPP stage the masterplan sought to ensure that the proposed new housing is at least 74 metres away from Brunstane House. The Brunstane Park Avenue fronting Brunstane Park, would be at least 90m away, and would consist of 2-3 storeys housing at a density of 40 units/ha.

The PPP masterplan sought to mitigate the impact on Brunstane House, through the design and layout including the open space and key view corridors. It was highlighted that the AMC should also offset the impact on setting through design, public realm and landscape proposals.

The proposals include Brunstane Park, a 1.66 ha area of open space including the Brunstane Enclosure (SM), around Brunstane House. This is formed by the set back of the proposed housing from Brunstane House by 70 metres to the north-west and 81-140 metres to the east. The park is slightly smaller than the 2 hectares previously envisaged due to the presence of mine workings within the area. However, to maximise the extent of open space, instead of a road frontage (Brunstane Avenue referred to above) adjoining the park, a multi-user path has been created which will improve connectivity and minimise the reduction of open space.

Lauderdale View corridor is at least 30m which will allow the key view from Brunstane House to the sea. It includes open space and is slightly larger at the Brunstane Park end integrating into the park. Fife View corridor is at least 20 metres wide and extends from Brunstane Park north-east as shown in the masterplan providing the view from Brunstane House to Fife. The Brunstane Walk is a 20m view corridor connecting Brunstane House and Park to Brunstane Green. Community Greenspace and Orchard Planting has been included in the proposals around the site of the former Walled Garden of Brunstane House.

HES note that the reduction in the size of open space (Brunstane Park) from the original Masterplan and especially the bringing forward of the proposed housing to the East and North-West boundaries would have an adverse impact on the setting of the category A listed Brunstane House. However, they also note that the important view corridors from the first floor of the house (Lauderdale View and Fife View) are retained within the development proposals, which HES welcome. Overall, HES do not object to these proposals.

As set out above there is still a substantial sized park which will retain the setting of Brunstane House. Whilst the housing is slightly closer by 4 metres to the north-west, it is still over 70 metres away. Similarly, the housing to the east is closer by a maximum of 9 metres but is still over 81 metres away and the key frontages of housing onto the park has been improved with the active travel route rather than the previous road. The view corridors are retained and wider at the Brunstane Park end than was proposed in the masterplan. Overall, it is considered that there would be no harm to the setting of Brunstane House.

Brunstane House Steading and Brunstane Farm Buildings adjacent to Brunstane House are also Listed Buildings on the western boundary of the site. The PPP masterplan creates Brunstane Park to also protect the setting of these listed buildings and the existing historic tree belt would also be retained. The proposed development integrates Brunstane Park with the adjacent open space approved under planning permission 19/01796/FUL to provide an appropriate setting for these buildings.

Wanton Walls Farmhouse and Steading is immediately adjacent to the southern boundary of the application site. The proposed development would be set back from this boundary by the SUDS pond, and multi-user path to the pedestrian and cycle bridge. It is considered that there would be no harm to the setting of Wanton Walls Farmhouse and Steading Listed Buildings.

The proposals harm Scheduled Monuments

There are two Scheduled Monuments within the application site which have been integrated into the areas of open space. Brunstane Moated Site Scheduled Monument (SM) is incorporated into a 1-hectare public open space - Brunstane Green. Brunstane Enclosure SM is incorporated within the 1.6-hectare Brunstane Park public open space.

The current proposals do not require scheduled monument consent under the Ancient Monuments and Archaeological Areas Act 1979. HES have no comment on the proposals for the Scheduled Monuments. These areas of open space will protect the underground archaeology of the Scheduled Monuments.

Condition 14 of the PPP, which is not being discharged at this time, requires further details of the treatment of the Scheduled Monuments.

Condition 15 of the PPP, which is also not being discharged at this time, requires the implementation of an Archaeological Conservation & Management Plan for both Scheduled Monuments, which has been submitted by the applicant, following consultation with HES and then approved by the Planning Authority. This will secure the protection of the Scheduled Monuments' during development phases, their long-term management and interpretation,

Conclusion

Overall the mitigation measures to safeguard the setting of Brunstane House have been integrated into the detailed design proposals. Taking into account all of the above, particularly the retention of the view corridors and key frontages to address Brunstane Park, on balance, it is considered that Brunstane Park size would provide an appropriate setting for Brunstane House. Therefore, it is considered that the proposals do not harm the setting of Brunstane House. The proposals include the provision of Brunstane Park to respect the setting of Brunstane House and the other listed buildings nearby. The SUDS Pond and open space at the south would respect the setting of Wanton Walls Farmhouse. Therefore, it is concluded that there would be no harm to the listed buildings or their settings.

The proposals for the Scheduled Monuments to be included within areas of public open space is acceptable. This would be appropriate and sympathetic to their character. Therefore the proposals will not harm the Scheduled Monuments.

b) The proposals address or satisfy the conditions of 16/04122/PPP and comply with the Development Plan

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

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 5, 6, 7, 12, 13;
- NPF4 Liveable Places 14, 15, 16, 18, 20, 23;
- NPF4 Productive Places 25, 26, 27, 28;
- LDP Environment Policies Env 12, 15, 20, 22, 21, 22;
- LDP Delivery Policies Del 1;
- LDP Design Policies Des 1, 2, 3, 4, 5, 7, 8, 9, 10, 11;
- LDP Housing Policies Hou 1, 2, 3, 4, 6, 7, 10;
- LDP Transport Policies Tra 1, 2, 3, 4, 7, 8, 9, 10 and
- LDP Retail Policies Ret 5, 8.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Areas Guidance, Guidance for Businesses, Affordable Housing Guidance, Art in Public Places Guidance and the Cycle Parking Factsheet are material to the consideration of the LDP policies.

Condition 1 of 16/04122/PPP - Phasing

Condition 1 of 16/04122/PPP requires a phasing framework to be submitted identifying the individual sub sites and phasing including the location of the various uses and thereafter delivery is to be in accordance with the phasing framework. It also requires subsequent AMC applications to provide updated information relating to transport, design and access, landscape and visual impact and details of the management and maintenance of landscaping, allotments, SUDS and open spaces as well as surface water management strategy.

The proposals include a phasing framework setting out the different phases across the site in relation to uses, infrastructure and landscaping. Also submitted are updated Transport Statement, Design and Access Statement and Addendum, Landscaping details including management and maintenance, and Visual and Viewpoint Plan as well as a LVIA compliance note, details of the allotments, SUDS and open spaces and drainage strategy.

In line with NPF4 policy 18, it is essential that the infrastructure is phased alongside the development phases so that the adjacent landscaping, open spaces etc are provided at the same time as the construction of dwellings and not substantially after.

The phasing framework shows the preliminary works to gain access from Newcraighall Road through Benhar Road (which will be the construction vehicle traffic access) and Bauld Drive as approved under the PPP. Thereafter, Development Phase one includes 415 homes, the principal street from Benhar Road to the school site and all the landscaping and infrastructure works within that phase including Brunstane Green, most of the affordable housing, and the southern SUDS pond. Development Phase 2 is for 115 homes, the northern part of the Local Centre, and includes Brunstane Park, Lauderdale View and the northern SUDS pond as well as the western boundary to the school site. Development Phase 3 includes 122 homes to the north of the site and the cycle link to the John Muir Way and the remaining southern units within the Local centre. Development Phase 4 is the 24 homes closest to the footbridge and would be required to be constructed after the footbridge itself is constructed, or after 665 units are constructed, in line with the legal agreement.

This is acceptable in relation to condition 1.

Condition 2 of 16/04122/PPP - Detailed Design and Layout

Condition 2 requires all information related to the detailed design and layout of the proposed development.

NPF4 policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 11 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users.

2(a) Layout and phased implementation for built development, and provision of road and footpaths, open space, tree shrub planting and woodland management.

A strategic masterplan framework overlay on the proposed layout has been submitted which shows that the proposed layout is substantially in accordance with the approved strategic masterplan framework. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The phased implementation allows the infrastructure, landscaping and new homes to be built together and is acceptable as required under NPF4 policy 18, LDP policy Del 1 and the signed legal agreement.

NPF4 policy 15 Local Living and 20-minute neighbourhoods considers the existing settlement pattern and level and quality of interconnectivity of the proposed development with the surrounding area and local access which links to LDP policy Hou 10 which requires community facilities relative to the scale of the proposals. The proposals would provide a large neighbourhood with the local centre and school as its focus which would be easily accessible from across the site. There would be a public transport link through the site and active travel routes across the site with linkages to the surrounding area. Overall, it complies with policy NPF4 15.

NPF4 policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable. The LDP policies Des 1 - Des 11 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users. A key ethos of the strategic masterplan framework was the key views both from the adjacent listed buildings are to be incorporated into the proposed layout enhancing its placemaking quality. As set out above the mitigation measures proposed to protect the setting of Brunstane House have been incorporated into the proposed layout.

Brunstane Park, Brunstane Green and Lauderdale View are public open space view corridors within the proposed layout. Other key views shown on the masterplan are incorporated as street views within the proposed layout: Fife View corridor is at least 20 metres wide and extends from Brunstane House to allow the view to Fife, Arthur's Seat view corridor is a 12m wide street in the western field allowing the key view from the Shell Grotto towards Arthurs Seat. North Berwick Law view is a 12m wide street which adds to the placemaking allowing a key view from the site. The Council's Archaeologist has no objection to the proposed layout and considers it meets with objectives for the protection of the setting of the two scheduled monuments and Brunstane House and its key views. Overall at least 20% of the total site is useable greenspace in line with LDP policy Hou 3.

LDP policy Des 7 Layout Design states that a comprehensive and integrated approach to the layout should be undertaken with new streets direct, connected to local centre, public transport and creating new public spaces as well as encouraging walking and cycling and safe convenient access and movement for all. The proposed development follows the spatial structure of the strategic masterplan framework, integrates the movement framework and provides the requisite open space, local centre and public transport bus stops along the principal route. This complies with NPF4 policy 14 and the LDP Design policies Des 1- Des 11.

The provision of road and footpaths

A transport statement and number of layout plans showing the roads and footpaths across the site have been submitted. The strategic movement framework set out the movement hierarchy for the provision of roads and footpaths at the PPP stage. The spatial structure of the AMC proposed site plan reflects the strategic movement framework. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The Council Transport Officer has assessed the proposals and has no objections and a number of informatives.

Policy NPF13 requires proposals to provide active travel infrastructure and LDP policies Tra3, Tra8, and Tra9 also require consideration in relation to active travel. The principal street is identified as being from Benhar Road to the Local Centre. The shared space fronting onto Brunstane Park has been omitted due to mining issues, however a new active travel route is proposed along the north-west and north-east of Brunstane Park instead. The secondary street access and active travel route from Bauld Drive through the site to the local centre has been extended, both, northwards along the school site to the northern boundary and integrating with the John Muir Way and along Brunstane Park and the north side of Lauderdale Park improving the provision of active travel routes through the site. Fife View is a secondary road instead of a footpath with the consequent removal of the previous shared space street to the east of Fife View. Overall, the proposed street layout, active travel routes and footpaths provide the permeability and connectivity as envisaged in the masterplan. The street hierarchy is clear with the principal street providing public transport and the secondary streets being shared spaces. There are a number of active travel routes from the boundaries of the site and allowing permeability through the site. Overall the proposals comply with the requirements of NPF policy 13, and LDP policy Tra9 .

Provision of open space

The open space framework set out that the proposed open space was largely based on view corridors across the site which were detailed further in the Masterplan Report and open spaces to mitigate the impact on Brunstane House and to enclose the Scheduled Monuments. A 1-hectare open space is provided at Brunstane Green which includes the Scheduled Monument. A 1.6-hectare open space is provided at Brunstane Park which is sufficient to preserve the setting of Brunstane House Category A Listed Building.

Lauderdale View corridor is at least 30 metres providing another substantial area of open space. Brunstane Walk retains the view from Brunstane Green to Brunstane House and is at least 22m landscape corridor. This complies with the PPP strategic masterplan framework and report.

Policy Hou 3 also requires a minimum of 20% of the total site area to be useable greenspace. The proposed useable greenspace is above 20% and is acceptable. The proposed development also complies with policy Hou 3 which requires flats or mixed development to have communal provision based on a standard of 10 square metres per flat (excluding private gardens). All flats across the site meet or exceed this standard in terms of communal open space. All dwellings are provided with front and rear gardens.

The Tree Shrub planting and woodland management will be considered as part of the landscaping below.

Overall condition 2(a) can be discharged in relation to this part of the site.

2(b) Siting, design and height of the development, external features, glazing and ground floor levels to Ordnance Datum.

Siting

The masterplan overlay and proposed site plan submitted show that the siting of the development largely complies with the masterplan and the overarching layout principles have been retained. The extent and materiality of any deviations have been considered and are deemed to be acceptable.

LDP policies Des7 and Des 8 require a comprehensive- and integrated approach to the layout of the buildings, streets and other features. This was taken forward in the masterplan through a strategic framework.

There is a comprehensive and integrated approach to the siting with new streets being connected to allow ease of access to the local centre. Active travel routes permeate the development allowing safe and convenient access and movement. Paths and parking areas are generally overlooked. Open spaces are connected with the wider movement network in line with policy Des 7.

The commercial units are located on the ground floors of the flatted blocks in the local centre in line with the masterplan. The school location is in line with the masterplan and the public square in front provides access to the school and integrates with the local centre.

The public realm materials are appropriate. There is clear differentiation between public and private spaces with boundaries clearly identified. Refuse and cycling facilities are incorporated into the layout design.

The small SUDS pond at the Northern site boundary has been removed and a community greenspace and trim trail installed. The northern SUDS pond is now more than 10 metres away from the East Coast Mainline Railway which Network Rail require.

Two dwellings are now situated in the proposed extension to the existing woodland at the north-west boundary of the site, however these are still some distance away from the neighbouring dwellings. Brunstane Park is slightly smaller than previously proposed as discussed above.

The SUDS pond at the south-east boundary of the site is larger than previously envisaged and would be surrounded by a cycle path, and an area of open space as due to the Scottish Water wayleave, allotments were not proposed in this location.

SEPA has noted that buildings must not be constructed over the existing culvert which is to remain active - and no buildings are proposed to be constructed over the culverted Magdalene Burn in line with the masterplan.

Overall the siting complies with policies LDP Des 7 and Des 8.

Height

A Building Heights plan has been submitted. The proposed development includes 2-4 storey dwellings with four storeys at the local centre and around the east side of Brunstane Green, three storeys near the local centre along the principal route, around the west side of Brunstane Green, fronting onto Brunstane Park and Lauderdale View. This is broadly similar to the Masterplan Report. Policy LDP Des 4 requires assessment of the height in relation to setting. The proposed heights fall would have a positive impact on its surroundings being taller at the higher density local centre and only 2 storeys at the site boundaries. This complies with policy Des 4.

Amenity for Existing Residents

LDP Des 5 requires assessment of the impact of the proposals on neighbours in relation to noise, daylight and sunlight and privacy. Due to the proposed layout and its integration with the surrounding area, there are very few proposed properties in close proximity to existing dwellings. There are two proposed dwelling houses to the north-west corner of the development site which are offset from the existing dwellings at a minimum distance of 17 metres. In this location, the rear gardens would have a 1.8 metre high close boarded timber fence with further landscaping between this fence and the boundary of the site.

The occupants at the existing dwellings at Brunstane House, Brunstane House stables, would overlook Brunstane Park public open space. The proposed dwellings are at least 34 metres from the Newcraighall North development and with the raised walkway in between there would be little overlooking or loss of privacy, daylight and sunlight. Similarly the residents at Wanton Walls steadings, at least 37 metres away and separate by landscaping, open space and the SUDS area, would not have their amenity adversely affected by the proposed development.

Due to the proposed site layout and landscaping at its boundaries, there would be very limited overlooking and therefore no loss privacy, daylight or sunlight to the existing dwellings. This separation is considered sufficient to ensure that the amenity of residents existing properties is not adversely impacted by the proposed development and complies with LDP policy Des 5.

It is accepted that the proposed secondary access along Bauld Drive would mean increased pedestrian, cyclist and vehicle movements along this access route, with consequent increase in noise and activity in this area. However this complies with the PPP masterplan and has already been established in principle through the PPP.

Design and Amenity for New Residents

The overall design of the proposed development reflects the strategic masterplan framework and strategic masterplan report. Where the siting of development deviates from the masterplan, the overarching layout principles have been retained. Therefore the proposed design complies with LDP policies Des 1, 2, 3 and 4.

LDP Des 5 also requires assessment of the amenity for occupiers, in terms of noise, daylight and sunlight, and privacy. It also requires adaptability and community security with active frontages as well as clear distinctions between public and private space.

The mix of dwellings includes 2, 3, 4, and 5-bedroom houses all with level access and 1, 2, and 3 bedroom flats, all of which meet the minimum internal space standards as set out in the Edinburgh Design Guidance and comply with LPD policy Hou2. There are two styles of houses proposed with the brick 'urban planning style' along the principal route and secondary streets comprising the contemporary planning design to reinforce the spatial structure and movement hierarchy.

Most dwellings front open spaces or the street layout with dual frontages for the main corner plots to encourage natural surveillance and community security. There are a number of flats proposed most of which are dual aspect dwellings. The number of single aspect flats varies between blocks but not more than 50% overall with most blocks having between 25% and 33% single aspect dwellings.

A density analysis has been submitted. Overall, it follows the density principles as set out in the masterplan of higher density development around the local centre and along the principal route and medium density towards the boundaries of the site. This complies with policy Hou 4.

All dwellings comply with the minimum space requirements as set out in the Edinburgh Design Guidelines. All houses have front and rear gardens. All flatbed dwellings have a minimum of 10 square metres of communal space and gardens at ground floor level. The front gardens are small threshold spaces onto the public realm or street scene. There are sufficient distances between dwellings to maintain privacy and not result in unacceptable levels of overlooking. The rear garden depths are sufficient and overlooking would not result in a significant loss of privacy for occupants. At least 20% of the total site area is useable green space and therefore complies with LDP policy Hou 3.

A Daylight and Sunlight assessment has been submitted. The daylight assessment concentrated on the closest buildings (the worst case scenario) across the site. The assessment of the 'no sky line' measure of daylight is in line with the Edinburgh Design Guidance methodology. This showed that there would be adequate daylight into the ground floor rooms of the new development in line with LDP policy Des 5.

The sunlight assessment uses the date of 21st March to assess whether half the gardens of the new dwellings would have more than 2 hours sunlight during the Spring Equinox. A small number of dwellings with north facing gardens do not meet the sunlight guidance - a total of 22 units across the site (3% of the total units). However the other 665 units (97%) of dwellings do. Seven gardens of dwellings that don't comply are marginal.

The dwellings that don't comply are in three main areas- private houses at Pentland View (seven dwellings) Brunstane Walk (two dwellings) and around Brunstane Park (four dwellings) and a row of terraced affordable dwellings (nine dwellings). Given that these locations are close to or adjoin significant areas of open space and would have sunlight to their front gardens, this infringement of the Edinburgh Planning Guidance is marginal and acceptable.

Therefore, there would be no significant loss of amenity for existing residents. There would be adequate levels of amenity for new residents in terms of daylight, sunlight, overlooking and privacy in line with LDP policy Des 5.

External Materials

LDP policy Des 1 and Des 8 require quality design and materials that create a sense of place. The 'Urban Elevation' design includes brown/cream brick with a darker brown base course, grey timber cladding and grey concrete roof tiles. The 'Contemporary' style has render and brick base course with the same cladding but in evening blue and the same roof tiles. The houses have pitched roofs, stonework cills, grey fenestration details and black rainwater goods.

The flats have a contemporary design and similar design between the affordable and private flats. The 3 and 4 storey flats have flat roofs, windows on all elevations and a mix of brick with grey fenestration and balustrades to the balconies - some Juliette style, others set back balconies.

The external finishes plan submitted shows the palette of materials for the dwellings including grey precast stonework cills, timber effect cladding and grey UPVC double glazed windows, black UPVC rainwater goods and grey UPVC soffits and fascias. Decorative metalwork is grey and door canopies would match the main roof colour.

The palette of materials for the boundary treatments include Tobermore Kingston Burren boundary walls which is one of the urban elevation brick options. The retaining walls would be Tobermore Kingston Burren also. There would be 1.8 metre high screen timber fence and gate on boundaries between dwellings, not adjacent to the public realm. A 1.8 metre high acoustic timber fence is proposed between the dwellings and the Main East Coast Railway Line to the east. A 1.8 metre high full brick wall and piers with gate is located as boundary treatment adjacent to the public realm.

The paving materials include charcoal herringbone block paving for the shared surface areas, driveways and parking bays with silver grey 'Conservation Setts' for Brunstane Green, the square footpath area and key nodal points. The main roads and paths would be in bituminous construction; however footways and cycles paths would contain white chippings in order to differentiate them from the carriageway. The proposed materials are acceptable. This complies with LDP Policies Des 1 and Des 8.

Glazing

The applicant has provided details of the glazing units. All windows on all elevations can be openable and should be constructed from good quality frames with airtight compression seals and trickle background ventilation. This could be secured by condition integrating with the requirements of the noise impact assessment.

Noise

A noise impact assessment has been submitted to assess noise impacts arising from rail traffic noise from passing trains and powerline noise levels. Environmental Protection comment that whilst the details and design of the acoustic barrier itself is satisfactory, they would require further information on trickle vents and a referenced drawing highlighting where all the upgrading glazing is required. This drawing could also incorporate the required 1.8 metre acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above). This drawing should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. Overall this information can be secured by condition.

Condition 2 (c) details of the proposed pedestrian and cycle bridge

LDP policy Tra8 requires the provision of transport infrastructure to mitigate the traffic impact. The proposed footbridge design details have been submitted and Network Rail has no objection to the revised design. The bridge would have step and ramp access and is within the location identified at the PPP stage. The CEC transport officer also has no objection to the bridge proposals and requests an informative regarding its implementation. The design is largely influenced by the requirements of Network Rail and the clearance to the overhead lines. In line with the legal agreement, the bridge is to be completed prior to any residential unit within the nearby area being completed or the completion of 665 units across the whole site. This would comply with LDP policy Tra 8.

This is acceptable and condition 2(c) can be discharged.

Condition 2 (d) Precise location and extent of the individual uses including the number of residential units and any community or commercial or business uses.

A site layout plan, masterplan overlay drawing, phasing framework and plans and elevational drawings for all buildings on site have been submitted. NPF4 policy 16 Quality Homes requires a statement of Community Benefit, and a mix of new homes to be provided including affordable housing.

A total of 676 dwellings are included within the application as well as 16 commercial units. The new homes are a mix of 507 private dwellings including two, three, four and five bedroomed terraced, semi-detached and detached dwellings as well as one, two and three bedroomed flats. 25% affordable housing has been provided in a mix of two and three bedroom houses and two and three-bedroom flats.

Affordable Housing

The provision of affordable housing is already secured through the signed legal agreement. There is a require of a minimum of 169 homes (equivalent to 25% of the residential units) of approved affordable tenures.

The Council aims to secure 70% of new onsite housing for social rent. The applicant has identified a Registered Social Landlord, Hillcrest Housing Association to deliver the homes for social rent and mid-market rent. The amended proposal is for a majority of social rent, and the remaining homes provided as mid-market rent as follows:

- 115 Social Rent units (76 flats / 39 houses)
- 54 Mid-Market Rent units (42 flats / 12 houses)

Affordable Housing has been consulted on this application and are content with the representative mix of units proposed and the tenures. It is also noted that the affordable homes are located in close proximity to the local centre, school and key public transport route. The proposals confirm that the affordable homes are tenure blind.

Overall the affordable housing proposed is acceptable and in line with LDP policy Hou 6.

Local Centre

The commercial units are located on the ground floor of flatted blocks 5, 6, 7 and 8 either side of the principal route, near the road bridge crossing and the identified school site. Together this would provide a local centre for the application site in line with the identified masterplan local centre location.

In terms of phasing following the preliminary phasing works, development phase 1 includes 415 new homes, infrastructure, landscaping, phase 2 consists of 115 new homes and the seven units in block 7. The remaining nine units would be in Development phase three along with a further 122 new homes. Three of the units could be combined to create a medical centre, in consultation with the NHS and are due to be constructed in phase 3, to give maximum flexibility to the NHS to confirm whether they can take up this accommodation. The provision of the local centre and phasing of the different uses on site complies with LDP policy Hou 10.

The applicant has submitted a Community Benefit and Wealth Building Statement as required by NPF4 policy 16 (b). The proposed development helps deliver both the Council's Economic Strategy and extensive housing requirement over the next 10 years. 676 dwellings including 25% affordable units will be built on site. A new local centre, facilitating the delivery of the primary school as well as pedestrian and cycling connectivity across the site and areas of public open space would provide residents with facilities for a lot of their daily needs. It is anticipated that the local centre would create 68 additional full-time jobs and contribute a GVA value of £1.6m to the economy. Dandara also provide up to £3000 financial support to good causes, which cannot be controlled through the planning process.

The creation of a local centre is consistent with NPF4 policy 15 Local Living and 20-minute neighbourhoods. It is located at the centre of the masterplan site, linking by active travel routes and public transport into the surrounding area. It would provide local employment, shopping and potentially health care facilities adjacent to the primary school.

The proposals also include a range of housing options including affordable housing which is accessible and a range of size of homes in line with NPF4 policy 16 quality homes.

Overall this is acceptable and condition 2(d) can now be discharged.

2 (e) Design and Configuration of public realm and open spaces, all external materials and finishes and details of play equipment.

This is considered further in the section titled Landscaping below.

2(f) car and cycle parking, access, road layouts and alignment, including a Stage 2 Quality Audit, classification of streets, servicing areas and electric charging points

Car parking

A Car Parking Allowance Plan and proposed site plan has been provided as part of this submission which sets out provision for car and cycle parking. Parking provision is a mix of in-curtilage and unallocated spaces with shared parking courts or on-street car parking and is in line with policy Tra 4. 598 spaces are provided throughout the development. A further 183 properties have either an integral or detached garage.

LDP policy Tra 2 and the Council's parking standards permits a maximum level of 1 space per residential unit plus varying maximum standards for the other use classes. The proposed parking is therefore significantly below the maximum standards (84%) and is therefore considered to be in accordance with the EDG. This reduces down to 79% if the 44 front courtyard spaces around Brunstane Green are excluded.

This parking provision includes 297 unallocated spaces which could be used by anyone using the residential or commercial spaces. These spaces include 50 EV charging spaces which complies with the 1 in 6 requirement. All in-curtilage spaces for the residential units include 7kw EV charging capability. CEC Transport had agreed the proposals and highlight further requirements in terms of the Road Construction Consent.

Seven spaces to the east of Apartment Block 8 at the Local Centre are allocated for the NHS if they occupy this unit. This would have EV charging points and 1 DDA accessible space. 8.75% of the unallocated spaces (26 bays in total) have also been provided as DDA-compliant accessible spaces in line with guidance.

The car parking complies with LDP policies Tra 2 and Tra 4 and is acceptable.

Cycle parking

There are 376 cycle parking spaces serving 188 flatted units in 11 residential blocks. Internal secure cycle stores will contain single tier Sheffield stands, 20% of which will be accessible for non-standard cycles. A maximum of 56% of internal cycle parking will be two tier racks.

A maximum of 20%-25% of parking will be short stay spaces external to blocks for residents and visitors. Blocks 1, 4, 5, 6 and 8 are around 20% external provision with Blocks 2, 3 and 7 at 25% external provision. There are no instances of more than 3 external Sheffield stands being proposed outside an entrance to the apartment block.

Cycle parking provision for residential units mostly complies with LDP policy Tra3, Edinburgh Design Guidance and C7 cycle parking factsheet. Guidance does state however that there should be a maximum of 56% two-tier cycle parking provision for accessibility reasons. Given the space constraints within residential block storage facilities, 56% two-tier racks was accepted as a reasonable compromise in return for sufficient internal space for accessible non-standard cycles.

The revised scheme reduced the amount of two tier racks from 75% (average) to 56% (average) in order to create more space internally for single tier Sheffield stands. As a result of this reduction in two-tier racks, some additional single tier Sheffield stands must be located external to the blocks. These will primarily serve visitors as well as residents requiring short stay access to their block. Guidance states that residential developments should aim for 10% of cycle parking to be short stay provision. Given the internal space constraints outlined above, a total of 20% of cycle parking will be short stay spaces which is considered acceptable in order to minimise the amount of two tier provision.

The commercial floorspace comprises 1,298sqm but a range of use classes are allowed (Class 1, 3, 10 and 11). Cycle parking provision for commercial units is in line with guidance.

The cycle parking proposed complies with policy Tra 3 private cycle parking and is acceptable.

Access

The proposed accesses follows the PPP strategic movement framework. The proposals include the provision of a new traffic light controlled junction arrangement at Newcraighall Road and Benhar Road. This will provide the primary access into Brunstane for pedestrians, cyclists, public transport and cars. The carriageway would be 6 metres wide with two bus stances and an active travel route to the western side. All construction traffic would be taken through this access.

In line with the masterplan and LDP policy Tra8, A secondary access is also to be created from Bauld Drive, for pedestrian, cycle and private car traffic. As this is a secondary route, the carriageway width is narrowed to 4.8 metres with traffic calming features and an active travel route. No construction traffic would be permitted to use this route.

A number of objections have been raised by residents living on Bauld Drive and Benhar Road who are concerned about through-traffic. The proposals do however respond to the Site Brief Development Principles for Brunstane established in the Local Development Plan (2016) which required two access roads at the south of the development towards Newcraighall. In order to provide safe suitable access given the scale of development proposed, both vehicle accesses are required. The detailed design of these access will encourage most traffic to use Benhar Road access, which will also be used for construction traffic. Bauld Drive is much narrower with traffic calming measures to reduce vehicle speeds and ensure road safety.

Trip generation projections submitted were considered acceptable by the Road Authority at the approved PPP stage (16/04122/PPP). The use of Benhar Road and Bauld Road as access points is not anticipated to have unreasonable impacts on these streets given that the principal has already been given under the planning permission in principle.

A new pedestrian and cycle footbridge over the railway is proposed in the south-east corner of the site with accessible ramp and stairwell which will improve connectivity between the west and east phases of the development. Active travel route will link the sites to the John Muir Way to the north and to Brunstane Road, west of the site.

The existing NCR1 path access will remain but will be closed off at the eastern/Benhar Road side due to levels however an alternative route is also provided along the south boundary of the site which will integrate with Newcraighall Road and also continue eastwards to the foot and cycle bridge over the East Coast Main Line.

The development will be served by a new bus route to Newcraighall and beyond. Residents will also be within a 15 minute walk of Newcraighall village amenities as well as both Newcraighall and Brunstane train stations. Overall the proposals comply with NPF4 policy 13 and LDP policies Tra 8 and Tra 9.

Road layouts and alignment, including a Stage 2 Quality Audit and classification of streets

The strategic movement framework sets out the movement hierarchy for the provision of roads and footpaths at the PPP stage. The spatial structure of the proposed site plan reflects the strategic movement framework. The principal street connects Benhar Road to the Local Centre and forms the main bus corridor. Fully segregated 4m wide walking and cycling paths are provided along the 6m wide principal street, while narrower secondary residential streets take the form of home zones with minimal through-traffic and quiet shared space lanes to the rear of properties which can be used for street play.

Junctions will be raised to provide level crossing points and finished in block paving in order to create a safer pedestrian-priority environment.

The road layout and alignment will provide a hierarchy of modes and safe routes to the new primary school for residents by virtue of the segregated active travel paths and level access crossing points.

A Stage 2 Road Safety Audit has been submitted which identified a number of considerations relating to road layout, traffic calming measures, pedestrian access links and crossing points. These considerations have fed into the proposed site plan which is acceptable to the Roads Authority. This complies with NPF4 policy 13 and LDP policies Tra 8, Tra 9 and Tra 10.

Servicing areas

A Swept Path Analysis has been submitted. All relevant residential land parcels will be served by refuse lorries and delivery vehicles. Refuse collection can be undertaken using the various loops through the site and tracking plans have been prepared which will be available at Roads Construction Consent stage. The Local Centre has two loading bays which will serve commercial units.

Electric charging points

An Electric Vehicle Charging Strategy plan has been submitted. As above, the development will have 297 unallocated spaces. 50 of these spaces will have 44kw rapid EV charging points which complies with the 1 in 6 requirement. All in-curtilage spaces for the residential units include 7kw EV charging capability.

Condition 2(f) can now be discharged.

2(g) footpaths and cycle routes, including proposed multi-use paths and the signage of pedestrian and cycle access links

The proposals include connections into the existing network of paths surrounding the site, many of which are segregated from the vehicular road network. National Cycle Route 1 which traces the southern boundary of the development will be upgraded as part of the development. The proposed development includes a number of new cycle path and pedestrian connections across the site. The principal route through the site includes a segregated footpath and 4m cycle path.

Active travel routes are provided at all the accesses into the site allowing comprehensive connectivity with the surrounding area. The existing right of way along the John Muir Way will be maintained although a diversion may be in place to safeguard users from construction traffic. National Cycle Route 1 will be diverted into the site along the southern boundary which will maintain level access through both road junctions. The existing right of way through the site to Brunstane Steading is being maintained. Scotways (Scottish Rights of Way and Access Society) has no objection to the proposals on the understanding that this proposed design both maintains the existing right of way and integrates into the diversion proposed by the development of the adjacent housing under application number 19/01796/FUL. Scotways are assured that the necessary diversion are in place through construction. It is recommended that the applicant formally divert the right of way under Section 208 of the Town and Country Planning (Scotland) Act 1997 and would suggest that this is attached as a condition to secure that it forms part of the consent granted, in addition to the plans for temporary diversion during construction, in order to remove their previous objection to these proposals. Therefore a condition is attached requiring the applicant to apply under section 208 for formal diversion of the right of ways and footpaths.

The path network across the site will be accompanied by a package of signage and wayfinding that will link the development with the wider active travel network and local strategic destinations such as the train stations and local amenities.

Overall the proposed street layout, active travel routes and footpaths provide acceptable permeability and connectivity for new and existing residents as envisaged in the approved masterplan and complies with NPF4 policy 13 and LDP policies Tra8 and Tra 9.

2(h) waste management and recycling facilities

The swept path analysis has been undertaken and submitted. However, the Waste Management Strategy has not yet been agreed and therefore this part of condition 2 cannot be discharged at this time.

2(i) Site investigation/decontamination arrangements

This condition 2(i) is linked to condition 8 - Contaminated Land and condition 9 Mine Workings and further information is set out under these conditions below.

2(j) Surface water and drainage arrangements

Drainage Strategy Report, Drainage Layout Plans, Basin Details, Flood Risk Assessment and Addendum, have been submitted. NPF4 policy 22 Flood Risk and Water Management states that development proposals should not increase the risk of surface water flooding to others or itself be at risk and should manage all rain and surface water through SUDS which should integrate with proposed and existing blue green infrastructure. This is similar to LDP policy Env 21 Flood Protection.

CEC flooding has assessed the proposals and has no objection provided a condition is attached to provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales. This condition could be attached to this permission.

NPF4 policy 22 recommends a precautionary approach to flooding with avoidance first. SEPA has no objection to these proposals. SEPA notes that all proposed buildings and roads are situated above 24m OAD near the Brunstane Burn railway culvert. There is no buildings are proposed to be constructed over the culverted Magdalene Burn. No building or land raising is proposed within the flood risk area, as defined in NPF4. Therefore SEPA has no objection. The proposals comply with NPF4 policy 22 and LDP policy Env 21.

Therefore condition 2 (j) can be discharged.

2 (k) Existing and Finished Site and Ground levels to Ordnance Survey

Levels plans have been submitted to show the existing contours, and the proposed ground floor levels to Ordnance Survey Datum. The Levels Layout Plans also show extent of retaining walls and underbuilding across the site. The retaining walls are mostly between dwellings - along the side to minimise the impact on amenity. Whilst the site is generally flat, it does slope down around the school site towards the northern boundary with the Brunstane Burn. SEPA has commented that the proposals in the vicinity of Brunstane Burn railway culvert should be 24m above AOD level and all buildings and roads are above this level.

There are no steps proposed across the site helping make it accessible for all in line with NPF4 policy 14. There is the 'Ha Ha' type retaining wall around Brunstane Green as set out in the masterplan to provide a strong edge to this important public space.

This is acceptable and condition 2(k) can now be discharged.

2 (l) Sustainability measures

Whilst this condition refers to the previous Edinburgh Standards for Sustainable Building, NPF4 places greater emphasis on sustainable issues through its overarching policy NPF1: Tackling the climate and nature crises when considering all development proposals, significant weight will be given to the global climate and nature crises. NPF4 policy 2 Climate mitigation and adaptation also requires proposals to be sited and designed to minimise lifecycle greenhouse gas emissions, adapt to current and future risks from climate change.

A sustainability statement has been submitted. This confirms that the proposals will comply with the latest Building Standards regulations including Section 6 in terms of sustainability. Photo-voltaic panels will be provided to the roof of all dwellings, boiler specification, zone controls, heating specifications and weather compensators will be included as well as air source heat pumps for specific phases.

Where possible the living spaces have been orientated south and large windows have been used to maximise solar gain. Electric Vehicle charging points will be available at specified locations.

In terms of water conservation, the water facilities would meet the technical standards. A SUDS system has been incorporated into site layout with SUDS ponds to the north and south of the site and rain gardens, and swales integrated into the streets and open spaces. Refuse and recycling facilities have been provided to the communal flats and also to the rear gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

All timber used in construction will be from sustainable sources (FSC Labelled) and recycled UPVC will be used for windows. At least 10% of materials will come from a recycled source.

The proposed development involves the location of energy efficient housing on an accessible urban location. The site is an allocated LDP site where residential development has already been granted planning permission in principle. The site would contribute to local living and 20-minute neighbourhoods with a range of affordable housing and private house as well as substantial areas of open space and a local centre with commercial uses. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 Policies 1 and 2.

This is acceptable and condition 2(l) can now be discharged.

2(m) Full Details of Landscaping Proposals.

This is considered further in the section titled Landscaping below.

Condition 5 of 16/04122/PPP - Environmental Statement

The Applicant has submitted updated reports, background papers and a Schedule of Mitigation Measures in response to the requirements set out in the Environmental Statement provided at the approved PPP stage. This covers issues relating to construction management, biodiversity, landscape/townscape visual impacts, the historic environment, flood risk, drainage, geology, soils, traffic, transport, air quality, noise and socio-economics.

NPF4 Policies 1, 2, 3, 5, 6, 7, 12, 13, 18, 20 22 and 23 LDP Policies Tra 8, Env 21 and Env 22 are also relevant.

All of the requirements in the Schedule are covered by specific reports submitted at either PPP or AMC stage. These include a preliminary ecological appraisal, contaminated land investigation reports and a transport assessment. These reports set out mitigation measures which have been assessed in relation to other conditions attached to this permission. This complies with the NPF4 policies and LDP policies listed above. It is intended to secure the implementation of the Environmental Statement and CEMP through the operation and construction of the development by condition to this AMC.

The submitted Construction Environmental Management Plan (CEMP) responds to a number of the requirements outlined in the schedule such as measures taken to minimise noise and dust during construction. Environmental Protection have reviewed the CEMP and are satisfied with the approaches taken. Therefore the implementation of the CEMP can be secured by condition. A number of relevant informatives have also been attached to the AMC.

Condition 5 can be discharged.

Condition 6 of 16/04122/PPP - Archaeology

The Council's Archaeologist has reviewed the information submitted including the programme of archaeological evaluation undertaken by CFA Archaeology. LDP Policies Env 8 and Env8 seek to protect archaeological remains and require further assessment that no significant archaeological features are likely to be affected by the development. The archaeological evaluation indicates that archaeological remains do survive across the development site though affected by modern farming practises. A detailed mitigation for each of the phases of development based upon these results is therefore required which will require the agreement of detailed WSI covering these areas. Discussions are ongoing and as such at this stage this condition is not discharged, as part of this AMC application. Indeed, given the nature of the condition this would normally undertake separately from an AMC process and would see a staged discharging once all relevant works have been completed. In this case either after each development phase or in a combination of phases depending on final scope of works.

Therefore condition 6 is not discharged at this time.

Condition 7 of 16/04122/PPP -Invasive non-native species

The Council's biodiversity officer has assessed the information provided on non-native invasive species including the Giant Hogweed Management Plan which confirms the method used as burial within the Brunstane Park area of open space in line with SEPA practice. It is noted that this location would be monitored for 5 years after treatment is complete. The proposed mitigation measures and method statement are satisfactory and the requirement for monitoring included within the CEMP. This is acceptable.

Therefore this condition can be discharged at this time.

Condition 8 of 16/04122/PPP - Contaminated Land

A Report on Site Investigations and update and Remediation Method Statement has been submitted for the housing site excluding the school site. These reports have been assessed by the Council's Contaminated Land Officer, to the purpose of the risk assessment of land contaminants and remediation measures necessary to ensure the development is suitable for use for the purpose intended by planning permission 16/04122/PPP in relation to this current planning application 22/03946/AMC. Based on the information available with this application for AMC, Environmental Protection is prepared to accept that Condition 8. 1) is generally satisfied and could be discharged in relation to matters specified in this term, while 8. 2) is satisfied in principle, providing an initial agreement of the Remediation Strategy/Method Statement, subject to further information and/or matters to be addressed relating to Localised Asbestos Contamination, Gas Protection Measures and Protective Water Supply Pipe.

Therefore once the further information requested is addressed then condition 8.1 is likely to be satisfied. However, the further scope of information necessary is also outlined to allow for the discharge of 8) 2 that should be approved prior to commencement of any works on site.

The school site is within the redline application site of this 22/03496/AMC and the proposed remediation for this particular end use has not been assessed and is not yet agreed between all parties. The legal agreement requires agreement with the CEC School Design Team and the applicant on the scope of the proposed remediation and its implementation. The red line boundary does include the school site although there is a reference that the school would be a separate application. For the avoidance of doubt, condition 8.1 for this current application is not discharged until the further information outlined above is submitted and agreed, including an agreed remediation strategy for the school site in line with the signed Legal agreement.

Therefore condition 8.1 is not discharged at this time.

Condition 9 (in part) of 16/04122/PPP - Mine workings

Condition 9 required the submission of a scheme of intrusive site investigations for both mine entries and for shallow coal workings for approval. Once approved, these were to be undertaken. Thereafter a report of findings arising from both of the intrusive site investigations was required which included a layout plan identifying approach zones of influence for mine entries on site and suitable no-build zones. A scheme for the treatment for mine entries on site and a scheme of remedial works for the shallow coal workings for approval is also required.

The applicant submitted a report on site investigations which was revised due to The Coal Authority's objection to scheme 1. The Coal Authority now withdraws its objection based on the revised report. However, the Coal Authority does direct the applicant to their previous response in terms of the content and recommendations for further works which the applicant is urged to implement prior to the full discharge of this condition. This includes investigation works to establish the extent of instability associated with shallow mine workings and the characteristics of the mine entries and additional features. Therefore, whilst there is no objection to this application, the condition 9 in full cannot be discharged at this time, until the implementation of the approved treatment and remedial works is completed.

Condition 10 of 16/04122/PPP - trees

The proposed landscaping scheme as part of this submission is not being agreed at this time. As discussed further below. Therefore, it is considered that this condition should also not be discharged at this time to ensure the forthcoming proposals address and integrate with the existing on-site landscaping and allow sufficient quality and quantity of trees within the application site.

Condition 11 of 16/04122/PPP -cooking ventilation systems

The PPP gave consent for use classes 1, 2, 3, 10 and 11 as part of the local centre. A total of 1,298 square metres floorspace is proposed within the 16 ground floor units of the flatted blocks within the local centre. Whilst the units have been designed so that their use can be adapted to any of those uses, further planning permission would still be required. Environmental Health would need to know exact use classes being proposed and more detailed supporting material such as specific ventilation and noise reports as well as further information on effluvia which can be secured through condition.

This condition is not discharged at this time.

Landscaping and Biodiversity

The PPP included a Strategic Landscape Framework as well as the masterplan report and design code which provided further guidance on the quantity and quality of landscaping to be provided on site.

This is to be implemented through the discharge of conditions 2(e) design and configuration of public realm and open spaces, 2(m) details of all landscaping proposals and Condition 13 - Landscape masterplan, Condition 14 - Scheduled Monuments - Brunstane Park and Brunstane Green and Condition 15 - Scheduled Monuments Archaeological Conservation and Management Plan.

Information has been submitted including an illustrative site wide landscape plan, landscape proposal location sheet and landscape proposals for Brunstane Green and Brunstane Park and for the wider application site, a planting schedule, and specification sheet. The quantity of open space and landscaping areas is in line with the masterplan. At least 20% of the total site area is useable greenspace and the identified view corridors and open spaces at Brunstane Green and Brunstane Park as well as the boundaries of the site are acceptable in terms of quantity.

However, the quality of the open spaces and landscaping framework proposed falls short of that envisaged by the masterplan, the strategic landscape framework and the masterplan report and design code. NPF4 policy 1 refers to the need to consider the nature crises and give it significant weight when considering all development proposals. NPF4 policy 3 requires significant biodiversity enhancements for major developments, particularly where an Environmental Impact Assessment is required. Therefore, the quality of the detailed landscape masterplan and site wide landscape proposals for the site, including those for Brunstane Green, Brunstane Park and Lauderdale view, as well as the northern and southern boundaries, need to be significantly improved.

Given the scheduled monuments locations in Brunstane Green and Brunstane Park, Historic Environment Scotland should be consulted on the detailed landscaping proposals for these areas. Historic Environment Scotland had aspirations that the Scheduled Monuments would be reflected in the planting schemes for these areas. Once the landscape proposals for Brunstane Park and Brunstane Green are agreed, then the Archaeological Conservation and Management Plan can be further progressed.

Whilst the updated bat and breed bird surveys for 2023 have been reviewed by our biodiversity officer and are satisfactory, it should be noted that the recommendations made in relation to the construction phases should be adhered to and any relevant information should be included in future updates of the CEMP.

Therefore, above conditions in relation to the quality of the landscaping are not discharged at this time.

Conclusion in Relation to the Development Plan and PPP

The proposals are substantially in accordance with the approved strategic masterplan framework, strategic movement framework, masterplan report and design code of the PPP. The extent and materiality of any deviations have been considered and are deemed to be acceptable. The master planning principles of the site layout according to key views and open spaces to safeguard the setting of the Scheduled Monuments and Listed buildings has been incorporated into these detailed design proposals.

Significant weight has been given to the global climate and nature crisis and the balance is tipped in favour of the proposals. The proposals will improve the quality of the area and are consistent with the six qualities of successful places. They shall contribute to local living and address identified gaps in housing provision. A proportionate level of inclusive amenity and public space has been provided and the proposals will not increase a flood risk. The proposals will contribute towards the creation of sustainable places and accord with the intent and outcomes of NPF4 Policies 1, 2, 4, 5, 6, 7, 12, 13, 14, 15, 16, 18, 20, 23, 25, 26, 27, 28, 31, and LDP Policies Del1, Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9, Des 10, Des 11, Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou7, Hou 10, Tra 1, Tra 2, Tra 3, Tra 4, Tra 7, Tra 8, Tra 9, Tra 10, and Ret 8.

Condition 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP could be discharged in relation to the West field excluding the proposed school site.

c) Material Considerations which must be addressed

The following material considerations have been identified:

Emerging Policy Context

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

Equalities and human rights

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

The development will be fully accessible for people of all ages and abilities with level-access streets and residential units. All ground floor flats and single family homes are wheelchair accessible.

All blocks and the local centre have DDA-compliant accessibly parking bays and non-standard cycle parking spaces in line with guidance.

Natural surveillance has been designed into the proposal along with a lighting design which will improve women's safety at night.

The proposal will deliver 25% affordable housing units as either social or mid-market rent which will improve the provision of affordable homes within the area.

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.

Representations

Scheme 1

Material Comments

- Mining-related issues - deficiencies have been identified in relation to the assessment of nearby surface coal seams and impacts resulting from historic mining activity associated with these. Remediation activities are required;
- The bat survey needs to look at the bridge and culvert immediately adjacent to the northeast of the development site;
- Transport assessment is inadequate in properly addressing potential impacts;
- Potential impact on pair of Kestrels;
- The Fort shopping centre is difficult to access from the development site by foot, therefore the proposal will encourage the use of private vehicles;
- The main access junction to the site at Benhar Road needs to be completely redesigned to remove the blind/dangerous bend where the old railway bridges used to be;
- The proposal constitutes over development;
- negative impact on skylark breeding grounds;
- proposed SUDS area on southern boundary has existing drainage issues which will be exacerbated by further development. Existing Scottish Water pump system on site may fail;
- Loss of green space as a result of development. New development should have high quality open space;

- Bauld Drive, Benhar Road and the Newcraighall Village development should not be used as a throughfare as these are quiet residential streets. More traffic calming measures are required to prevent this and respect the Home Zone. Allowing more traffic along here is a safety risk for school children;
- The scheme constitutes overdevelopment of the site;
- Newcraighall village does not have the road capacity to accommodate this proposal;
- New access roads should be from Joppa;
- The scheme should include a community centre;
- A Noise Impact Assessment is required;
- Newcraighall and Brunstane train stations do not have capacity for new residents;
- Increase hard standing will have a negative impact on surface water run off/flood risk;
- The proposed school will increase traffic;
- Views of the Forth, the Pentlands and Arthur's Seat will be lost;
- The land should be used for social infrastructure such as a running track and play facilities;
- SUDS basin may cause a bad smell such as the one beside Behar Road.
- Biodiversity loss will occur as a result of the scheme including impacts on bats;
- Milton Road should be used for the main access road;
- Newcraighall Heritage & Residents Association objects to Newcraighall Road being the only access point;
- The proposal will have a negative impact on the open space character of the area; and
- The proposal should be carbon net zero, ground source heat pumps should be used and the houses likely require additional solar panels.

Non-material comments

- noise and air pollution; traffic disruption during construction works;

Scheme 2

Material Comments

- negative impact on skylark breeding grounds;
- more housing will lead to more congestion which will lead to more air pollution in the village;
- proposed SUDS area on southern boundary has existing drainage issues which will be exacerbated by further development. Existing Scottish Water pump system on site may fail;
- Loss of green space as a result of development. New development should have high quality open space;
- Bauld Drive, Benhar Road and the Newcraighall Village development should not be used as a throughfare as these are quiet residential streets. More traffic calming measures are required to prevent this and respect the Home Zone. Allowing more traffic along here is a safety risk for school children;
- access roads should be from Joppa;
- • The The scheme constitutes overdevelopment of the site;

- Newcraighall village does not have the road capacity to accommodate this proposal;
- New scheme should include a community centre;
- A Noise Impact Assessment is required;
- Newcraighall and Brunstane train stations do not have capacity for new residents;
- Increase hard standing will have a negative impact on surface water run off/flood risk;
- The proposed school will increase traffic;
- Views of the Forth, the Pentlands and Arthur's Seat will be lost;
- The land should be used for social infrastructure such as a running track and play facilities;
- SUDS basin may cause a bad smell such as the one beside Behar Road.
- Biodiversity loss will occur as a result of the scheme including impacts on bats;
- 3-4 storey proposed blocks will have a negative impact on neighbouring listed buildings;
- 10 Gilberstoun Place will be in very close proximity to the proposed dwellings referred to as numbers 675 and 676. There is no detail on how the boundary will be set and the construction details of the boundary.
- It is unclear what is happening to the wooded area immediately to the rear and right of my property and neighbouring houses at 11 and 12 Gilberstoun Place
- The Council and Developer should make road safety improvements to Newcraighall Road including addressing blind spots, removing old railway abutments and building a new active travel bridge over Newcraighall Road near Benhar road to link the site with NCR 1.
- A bus-operated barrier should be put on the bridge which crosses the East Coast railway line in order to stop rat running from Milton Road East and Newcraighall Road through the new Brunstane development.

Non-material comments

- noise and air pollution; traffic disruption during construction works;
- Traffic lights at the intersection of Bauld Drive and Newcraighall Road (outwith the red line boundary) should be installed;
- Bauld Drive residents have an ownership stake in the communal ground and unadopted roads, therefore vehicle access should not be allowed to the new development;
- This development will have a negative impact on Bauld Drive property prices;
- There should be an increase in bus services;
- A public meeting should be called to discuss traffic implications with the community;

All representations received have been taken into account in the assessment of this planning application 22/03946/AMC for the discharge of conditions relating to the 16/04122/PPP.

Conclusion in relation to identified material considerations

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

Overall Conclusion

The proposals shall not harm listed buildings or their settings. The proposals are in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals are sympathetic to the Scheduled Monuments in accordance with the Ancient Monuments and Archaeological Areas Act 1979.

The proposals are in accordance with the relevant policies of National Planning Framework 4 and the Edinburgh Local Development Plan and adequately address the relevant matters specified in conditions 1, 2 (a),(b),(c),(d),(f),(g),(k),(l), 5, and 7, of planning permission in principle 16/04122/PPP in relation to the west field excluding the school site. The proposals are deemed to have satisfied the initial parts of condition 6 and 9. However, these conditions and conditions 2(e), (h), (i), (j), (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7, condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.

The proposals will contribute toward the creation of a sustainable place, with a local centre and school as its focus, on an LDP allocated site by the incorporation of a range of detailed design and layout measures to preserve the historic assets and promote active travel and provide open spaces for healthy living. The proposals contribute towards the creation of liveable places through the development of housing of varying tenure and by integrating appropriately scaled ancillary uses, inclusive open spaces and blue /green infrastructure. Productive places are created through increasing opportunities for local spending and employment within the local centre.

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 shall be constructed and operated in accordance with:
 - (a) the Application and
 - (b) the Environmental Statement (including Addendum and Supplementary Information to the Environmental Statement, the schedule of mitigation measures April 2023 update, the schedule of mitigation measures August 2022 update);
 - (c) in accordance with the revised Construction Environmental Management Plan and
 - (d) terms of the conditions set out hereunder.
2. For the avoidance of doubt, any discrepancies between the revised site layout plan and the supporting plans and documents, the revised site layout plan should be considered.

3. Prior to the occupation of any unit, further information should be provided on trickle vents and a drawing should be submitted highlighting where all the upgrading glazing is required. This drawing should incorporate the required 1.8m acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above) from the Noise Impact Assessment. This drawing should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. This information should be submitted and approved by the Planning Authority.
4. The PPP granted planning permission in principle for use classes 1,2,3 10 and 11 as defined by Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) within the local centre. The location of these commercial/retail/community uses is shown as a total of 16 units within the ground floor of blocks 5,6,7 and 8 within the local centre. Further applications will be required for the specific use classes for each unit to include supporting information on ventilation, noise, hours of opening and effluvia.
5. For the avoidance of doubt, whilst the landscaping areas within the site layout plan are agreed under this application, the proposed landscaping details are not yet agreed and will need to be the subject of another forthcoming application.
6. Prior to occupation of any adjoining unit, the Electric Vehicle charging points shall be installed and made operational.
7. Prior to occupation of any part of this development, a formal application under section 208 of the Town and Country Planning (Scotland) Act 1997 is required to divert public footpaths to enable the development to be carried out in accordance with this planning permission.
8. Prior to construction, the applicant should provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales.

Reasons

1. Statutory Provision to protect the environment
2. To clarify that the revised site layout plan represents additional changes required by the consultees.
3. In the interests of amenity of occupiers of the development.
4. To protect the amenity of occupiers of the flatted blocks.
5. To ensure a quality landscaping scheme substantially enhancing biodiversity is designed and implemented for this site.
6. In order to ensure that electric vehicle charging infrastructure is suitable and operational.

7. To ensure the formal diversion of the footpaths.
8. In order that the maintenance requires of these features is clarified.

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 each phase of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given, in writing to the Council.
3. A legal agreement has been concluded in respect of the land to which this application relates which is available to view on The Councils Planning and Building Standards Portal (reference: 22/03946/PPP).
4. For the avoidance of doubt, conditions 2(e), (h), (i), (j) (m), condition 3, condition 4 (outwith this AMC application site), and condition 6 in full, condition 7 , condition 8 (1) and (2), condition 9 in full and condition 10, condition 11 and condition 12, condition 13, condition 14, and condition 15 of 16/04122/PPP remain relevant to the future development of the land and are not discharged at this time.
5. All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
6. The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
7. Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
8. Use water-assisted dust sweeper(s) on the access and local roads, to remove, as necessary, any material tracked out of the site. This may require the sweeper being continuously in use.

9. Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
10. All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust. 1
11. Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact the Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW
email address assetprotectionsotland@networkrail.co.uk

12. The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (100 Amp) DC with 43kW (64 Amp) AC unit. The DC charge should be delivered via both JEVS G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.
13. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993
14. 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.
15. Construction works and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.

Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's Asset Protection Engineer for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

Network Rail Asset Protection Engineer
151 St. Vincent Street, GLASGOW, G2 5NW

16. Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
17. The applicant should note the requirements regarding the design, construction and phasing of the proposed cycle and pedestrian bridge.
18. The applicant should consider the provision of car club vehicles in the area. Contributions would be required to provide the vehicles, spaces and associated order.
19. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. A Quality Audit has been submitted. However, for the avoidance of doubt, the proposed layout is not approved at this stage.
20. The applicant should note that:
 - a. Remote paths will be expected to be suitably lit, in order to promote user safety on routes to key destinations;
 - b. the location of lighting and other street furniture should take account of key views;
 - c. the location of trees and hedges must take account of impact on roads and road safety;
 - d. bus stops including shelters at suitable locations will be required as part of road construction consent;
 - e. the Council will not accept maintenance responsibility for underground water storage / attenuation;

21. 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.
22. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
23. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
24. Off-street parking space should be:
 - a. a minimum of 6m deep and a maximum of 3m wide;
 - b. accessed by dropped kerb (i.e. not bell mouth);
 - c. surfaced in a solid material for a minimum length of 2 metres nearest the road to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - d. any gate or doors must open inwards onto the property; and
 - e. any hard-standing outside should be porous;
25. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 17 August 2022

Drawing Numbers/Scheme

1, 2B, 3A -7, 8A-9A, 10A,11A, 12, 14,-19,20-26, 34-39, 40-41, 75A-78A, 79A,80A-81A, 82B, 83A, 84C, 85A-86A, 87B-89B, 99,100, 102, 103B, 106B, 107-109, 111-113,114A - 115A, 116, 117A-120A, 126-128,129A, 130, 131A, 133A, 134-138, 141-159,160-168, 171-179, 180-183, 184B, 185, 186B-187B, 188,188, 189B-190B, 191, 192B, 193, 194A-196A,197-199, 200, 201

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Nature Scot

COMMENT: No comments on this AMC application as provided comments to the PPP application in 2016 and note the detail of that application is being taken forward.

DATE: 5 October 2022

NAME: Environmental Protection

COMMENT: Condition 1

As construction would be over a number of years, and adding residential uses into this, noise, vibration and dust must be fully considered- and the Construction Environmental Management Plan (CEMP) should be a working document used during each phase to minimise impacts on amenity.

Further information is required on the exact use classes being proposed within the PPP use classes. Class 3, 8, 10 and 11 or takeaways would require more supporting material - ventilation and noise reports, and some class 10 or 11 uses should be located away from residential uses.

Condition 2

The applicant has provided details of the glazing units. All windows on all elevations can be openable and should be constructed from good quality frames with airtight compression seals and trickle background ventilation. The applicant should provide a referenced drawing that showing where and what type of vents are required. The following figures from the noise impact assessment should also be submitted as a referenced drawing. They highlight where all the upgrading glazing is required. This could also incorporate the required 1.8m acoustic barrier: Figure 8: Mitigation Map - Ground Floor and Figure 9: Mitigation Map - First Floor (or above). This drawings should also highlight the existing and finished site and ground levels in relation to Ordnance Datum to demonstrate the effectiveness of the proposed noise barrier. The details and design of the acoustic barrier itself is satisfactory.

Electrical Vehicle Charging

The chargers should be fully installed and operational prior to occupation.

DATE: 12 October 2022

NAME: The Coal Authority

COMMENT: Substantive Concern

o Investigation works to establish the extent of instability associated with shallow mine workings and the characteristics of the mine entries and additional features is incomplete.

o Whilst the Constraints Plan shows the positions of the mine entries and bell pits located on site, this does not identify appropriate zones of influence for these features (based on ground conditions encountered), and does not define suitable 'no-build' zones. As such, it has not been clearly demonstrated that the layout of development avoids the mine entries and their associated zones of influence;

- o No information has been provided to confirm that discussions have taken place with the Coal Authority's Mining Information Team to confirm that there is acceptance that the shaft located some 30m distant from the recorded position for shaft 332672 - 018 is the same feature;
 - o It is unclear whether a positional review of mine shafts 331672-015 and 331672-017 (housing site) was undertaken using source data to ensure that investigations were based upon the most accurate best plot positions for the shafts.
 - o No hypothesis has been advanced in the report as to why mine shafts 331672-015 and 331672-017 were not located and what, if any, further measures are proposed in respect of these recorded features.
 - o The broad approach to the remediation of coal mining legacy set out in the Site Investigation Reports is reiterated in the Remediation Method Statements, with no further detail provided.
- There is considered to be a lack of detail regarding the remedial works proposed in respect of the shallow mine workings, mine shafts and additional features encountered.

Therefore we do not consider that the requirements of the second part of Condition 19 of planning permission 16/04122/PPP have been satisfactorily addressed and, as such, we must object to this application.

DATE: 5 October 2022

NAME: Network Rail

COMMENT: Objection to current proposal due to the proposed footbridge not meeting Network Rail's required OLE clearances.

DATE: 30 September 2022

NAME: Scottish Water

COMMENT: No objection.

DATE: 5 October 2022

NAME: Historic Environment Scotland

COMMENT: October 2022

Concern that proposals for Brunstane Green would impact on the Scheduled Monument (SM) as the path from north-south through the SM would require SM consent. A path should be formed, it could not risk damage from erosion to the SM. If required, then SMC could be gained if justified. There are not likely to be setting impacts on this monument.

Brunstane Park proposals would impact on the SM. It should reflect the form of the moated site that has informed the shape of the scheduled area which should be outlined in the planting scheme showing different landscape treatments. Realign the mown grass path within the scheduled area Upgrade the curved path around the site edge which would likely require SMC. Locate the play park further away from the SM. Content with housing as proposed in terms of setting on this scheduled monument. It is likely that if interpretation panels are located at entrances to parks outwith the SM then SMC would not be required.

Brunstane House

Relocate the play area away from the listed building - to the SE corner of the new proposed Brunstane Park. Integrate with the proposed landscaping for the new housing development to the south too. Play Park should be less formal and set within grassed

areas rather than a formalised hard surface to retain the open setting of Brunstane House.

DATE: 19 October 2022

NAME: East Lothian Council

COMMENT: No Comment

DATE: 5 October 2022

NAME: Archaeology

COMMENT: The development site covered by 16/04122/PPP and this AMC is an area of archaeological significance containing two scheduled monuments situated between historic houses and designed landscapes with evidence of historic mining and potential for prehistoric activity. Accordingly, archaeological conditions were attached to his PPP regarding the protection of the two scheduled monuments within appropriate landscaping/parks within the final development layout, maintenance /protection of key views to and from Brunstane House within the overall layout (condition 2 in part & 13: Note 14,15 not subject to this AMC) and covering wider archaeology condition 6.

Condition 2: the proposed layout meets the requirements for the setting of the two Scheduled Monuments and Brunstane House including the key views. Details of the related site interpretation and public art can be addressed as part of the overall archaeology conditions and management of the site.

Condition 6: The area has been subject to a programme of archaeological evaluation undertaken by CFA archaeology (CFA reports 4124 & 4126) in 2021 & 2022 following on from pre-application geophysical surveys undertaken in 2016. The results indicate that archaeological remains do survive across the development site though affected by modern framing practises. A detailed mitigation for each of the phases of development based upon these results is therefore required which will require the agreement of detailed WSI covering these areas. Discussions are ongoing and as such at this stage we are unable to advise on the discharging of this condition as part of this AMC application. Indeed, given the nature of the condition this would normally undertake separately from an AMC process and would see a staged discharging once all relevant works have been completed. In this case either after each development phase or in a combination of phases depending on final scope of works.

DATE: 1 June 2023

NAME: The Coal Authority

COMMENT: September 2022

Substantive Concern

we do not consider that the requirements of the second part of Condition 19 of planning permission 16/04122/PPP have been satisfactorily addressed and, as such, we must object to this application.

DATE: 8 September 2022

NAME: SEPA

COMMENT: May 2023

No objection. No objection on Flood Risk Grounds. NPF4 Policy 22 recommends a precautionary approach to flooding with avoidance first. It is noted all proposed

buildings and roads are situated above 24m OAD near the Brunstane Burn railway culvert.

No buildings are proposed to be constructed over the culverted Magdalene Burn. No building or land raising is proposed within the flood risk area, as defined in NPF4.

Air Quality

The updated environmental statement information is a positive addition with updates on dust management plan, reducing traffic through the provision of public transport links and infrastructure and providing EV charging points.

DATE: 24 May 2023

NAME: Environmental Protection

COMMENT: Condition 8 1) is satisfied and can be discharged. Further issues need to be addressed to discharge condition 8 2) but it is satisfied in principle so long as localised asbestos contamination, gas protection measures and Protective Water Supply Pipe issues are addressed.

I refer to the following reports that apply to Condition 8, parts 1) and 2), for the purpose of the risk assessment of land contaminants and remediation measures necessary to ensure the development is suitable for use for the purpose intended by planning permission 16/04122/PPP:

Report on Site investigations, March 2023. Mason Evans Consultants, Third Edition

Remediation Method Statement, July 2022. Mason Evans Consultants, Third Edition
Based on the information available with this application for AMC, Environmental Protection is prepared to accept Condition 8. 1) is satisfied and should be discharged in relation to matters specified in this term, while 8. 2) is satisfied in principle, providing an initial agreement of the Remediation Strategy/Method Statement, subject to further information and/or matters to be addressed: Localised Asbestos Contamination, Gas Protection Measures Design Report and UKWIR Risk Assessment/Protective Water Supply Pipe.

DATE: 5 June 2023

NAME: Network Rail

COMMENT: 6 June 2023 No objection now as revised site plan shows SUDS will be at least 10 m from the Railway. Also landscaping conditions are not being discharged so issues below can be resolved at a later stage.

4 June 2023 Objection due to unacceptable risk to the railway.

Planting small leaved lime trees, with leaf fall adjacent to the railway can impact reliability. The revised plans also show other trees in locations that do not comply with Network Rail's guidelines. Certain tree species should not be planted within 5 or 10m of the railway to mitigate risks - tree falling and vegetation obstructing railway infrastructure, as well as leaf fall.

The revised plans do not demonstrate that the SUDS basin at the north of the application site would be a minimum of 10m from Network Rail's boundary which could adversely affect the stability of the railway. Network Rail's previous objection to the proposed footbridge previous design is withdrawn and the revised footbridge proposed

location is acceptable. However, the applicant will also need further Network Rail consents.

DATE: 19 May 2023

NAME: ScotWays

COMMENT: 7 June 2023

Objection withdrawn: further information has been provided. We are content with the temporary diversions of rights of way (LC1 and LC2) and indeed the National CycleRoute during construction.

The right of way LC1 currently runs along the site boundary by the proposed western allotment area and thence across the site to meet the cycle route along the old railway (and then into the development to its south). In light of successive applications affecting right of way LC1, ScotWays strongly recommends that the Town & Country (Scotland) Act 1997 Section 208 be used to protect this right of way by formally diverting it in order to enable this development to proceed. It is understood that a ROW diversion was agreed for the adjacent consented application site 19/01796/FUL, but as it is not clear when/whether that particular diversion will be in place, it will be necessary to ensure that provision is made for the existing line of the right of way beside of the allotments until such time as the formal diversions are both in place.

It is ScotWays understanding that the applicant is in agreement that right of way LC1 will be formally diverted. Provided an appropriate formal diversion of right of way LC1 forms part of any consent granted, in addition to the plans for temporary diversion during construction, then ScotWays' holding objection can be considered withdrawn.

5 June 2023: Holding Objection until the situation regarding the two rights of way LC1 and LC2 is clarified.

DATE: 5 June 2023

NAME: Flood Planning

COMMENT: No objection subject to condition:

Prior to construction, the applicant should provide confirmation that Scottish Water accept maintenance of the SUDS basin and that the relevant CEC department accept maintenance of the roadside swales.

DATE: 31 May 2023

NAME: Historic Environment Scotland

COMMENT: May 2023

No comments on the Scheduled Monuments.

Brunstane House the reduction in the size of open ground (Brunstane Park) from the original Masterplan - especially the bringing forward of development to the E and NW boundaries would have an adverse impact on the setting of category A listed Brunstane House. However, we note that the important view corridors from the first floor of the house (Fife and Lauderdale views) are retained within the development, and that the proposed play area has been moved further away from the house to the SE corner of the park and made less formalised, which we welcome.

DATE: 23 May 2023

NAME: Affordable Housing

COMMENT: This application is for a development consisting of up to 676 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 169 homes of approved affordable tenures, equivalent to 25% of the residential units.

The applicant has entered into dialogue with the Council on the design, mix and location(s) of the affordable housing, and identification of the Registered Social Landlords (RSL) so that an integrated and representative mix of affordable housing can be delivered on site. The tenure of the affordable housing must be agreed by the Council.

The Council aims to secure 70% of new onsite housing for social rent. The applicant has identified a Registered Social Landlord, Hillcrest Housing Association to deliver the homes for social rent and mid-market rent. The amended proposal for is for a majority of social rent, and the remaining homes provided as mid market rent.

- o 115 Social Rent units (76 flats / 39 houses)
- o 54 Mid-Market Rent units (42 flats / 12 houses)

It should be noted that the original proposals included 20 homes proposed for Golden Share. Following discussion with the Council all homes Golden Share proposed for Golden Share will now be taken forward as mid market rent with Hillcrest Housing Association. We welcome the revised proposal with more homes for affordable rent.

The affordable homes are required to be tenure blind and fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this.

The affordable homes should be situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, should be provided.
DATE: 5 June 2023

NAME: The Coal Authority
COMMENT: May 2023

Material Consideration.

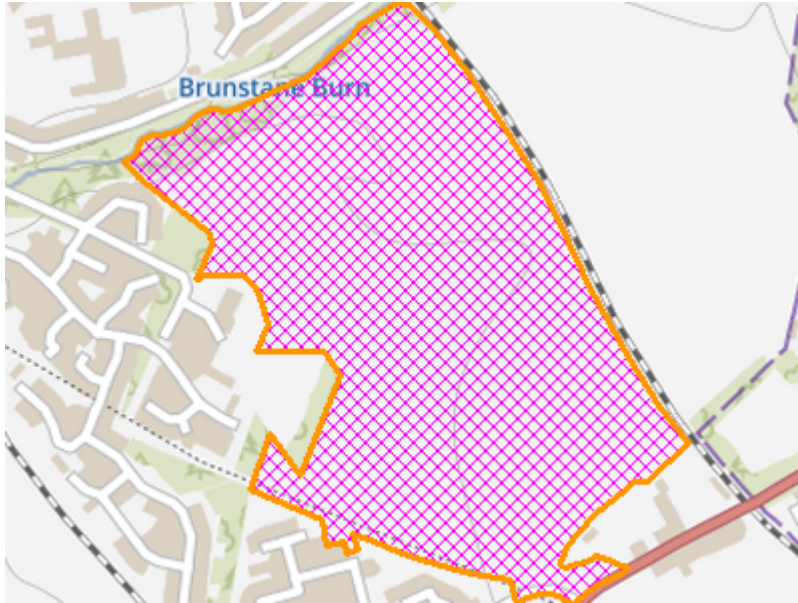
We consider that the layout of the proposed development has now been suitably informed by the presence of the various mine entries which have been located on site.

No objection to the application as amended. You are, however, directed to the more detailed comments included in our previous response letter regarding the content and recommendations for further works contained in the Report on Site Investigations, which remain valid and relevant to the decision making process.

DATE: 9 May 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 21 June 2023

**Application for Hazardous Substance Consent
Elizabeth House, 31 Royal Elizabeth Yard, Kirkliston.**

**Proposal: Application for hazardous substance consent for a new
whisky maturation warehousing site**

**Item – Committee Decision
Application Number – 22/05925/HSC
Ward – B01 - Almond**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is for a Hazardous Substance Consent.

Recommendation

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

Summary

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to store hazardous substances on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this.

SECTION A – Application Background

Site Description

The application site is an existing Industrial Estate located to the north of the village of Kirkliston. The M90 runs to the west of the application site. Vehicular access is provided via Milton Farm Road. The surrounding land is agricultural in nature.

Description of the Proposal

The application is for a hazardous substances consent (HSC) under Planning (Hazardous Substances) (Scotland) Act 1997.

The application calls for the storage of a maximum of 85,944 tonnes of distilled spirits within 40 bonded warehouses. Storage and industrial processes will occur within the FSDU (Filling Station and Disgorging Unit) and within the Tankfarm. Details of the proposed storage include:

Warehouses no. 1-40

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 2,375

Highest vessel design temperature °C : Atmospheric

Highest vessel design pressure (bar absolute): Atmospheric

FSDU Day tank

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 5

Highest vessel design temperature °C : 100°C

Highest vessel design pressure (bar absolute): 1.063 bar A

Tankfarm

Substance: Part 1- P5c

Installed above ground - YES

Maximum capacity (cubic metres) : 60

Highest vessel design temperature °C : 65°C

Highest vessel design pressure (bar absolute): 1.213 bar A

Relevant Site History

No relevant site history.

Other Relevant Site History

22/03861/FUL

Royal Elizabeth Yard

Kirkliston

Erection of warehouses, cask filling and disgorging facility with associated tank farm, tanker filling bay, welfare /support facilities and associated works. (AS AMENDED)

Granted

26 January 2023

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Environmental Protection Agency

Health and Safety Executive

Police Scotland

Queensferry and District Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 5 December 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 December 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

For each proposed Hazardous Substance, this report will consider whether consent should be granted under Section 7 of the Planning (Hazardous Substances) (Scotland) Act 1997, by having regard to any material considerations and in particular assessing the following material considerations specified by Section 7:

- (a) to any current or contemplated use of the land to which the application relates,
- (b) to the way in which land in the vicinity is being used or is likely to be used,
- (c) to any planning permission or development consent that has been granted for development of land in the vicinity,
- (d) to the provisions of the development plan and
- (e) to any advice which the safety regulator has given following consultations in pursuance of regulations under section 5(2).

In the assessment of other material considerations this report will consider:

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

Assessment

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

a) Assessment

a) Current or contemplated use of the land to which the application relates

The site is an established storage and distribution complex that has recently received planning permission for the redevelopment of the site and intensification of said use to cover approximately 80,000m² GFA of the site. The storage of distilled spirits and associated minor industrial uses shall not compromise the existing use of the site and would be compatible with that use. The current use of the land will remain as storage and distribution and will not change as a result of this Hazardous Substance Consent (HSC) and the proposal is therefore justified.

b) The way in which land in the vicinity is being used or is likely to be used

The proposal is located between the Dalmeny Spur railway line to the west and the Ineos oil storage depot to the north east. The site is bounded by agricultural land with residential and commercial dwellings to the south and north east. The surrounding plots are generally agricultural and industrial in nature with small-scale residential/agricultural developments, and large industrial facilities.

Both the Royal Elizabeth Yard complex and the Ineos Oil Storage depot have existed next to one another for several decades. Pool fire calculations note that anticipated hazard zones would remain within the Royal Elizabeth Yard's respective zones and would not impact on the Ineos Oil Storage depot zones.

The proposal for the storage of the hazardous substances kept on the site will not compromise the way in which land in the vicinity is being used or is likely to be used.

c) Planning permissions that have been granted for development of land in the vicinity

During the determination period, there has been no account of any proposed developments in the surrounding areas that may have been granted planning permission but are not yet built. Therefore, any other planning permission granted within the vicinity of the zones will not be compromised as a result of this HSC.

d) The Development Plan

NPF4 Policy 23 relates to Health and Safety, with policies 23 g)-j) relating specifically to Hazardous Substances and Hazardous Substance Certificates.

Consultation with the Competent Authority (Health and Safety Executive (HSE) and SEPA) was carried out and no objection was raised. The HSC application to store hazardous substances on the site does not raise new issues in relation to public health.

e) Health and Safety Executive advice

The Health and Safety Executive was consulted on the application and assessed the risks to surrounding areas. HSE and SEPA highlighted a discrepancy between the anticipated quantity of ethanol versus the quantity of distilled spirit applied for. The applicant confirmed that they wished to proceed with the determination of the application including the figures initially applied for. HSE and The City of Edinburgh Council agreed that this would limit the applicant to store only the quantity of distilled spirit applied for, and any amendments to the quantities of substances stored would be subject to further future applications and assessments. HSE noted that regardless of the discrepancy of figures, the overall fire risks and advice note would not be impacted by the amendment of the figures. In light of this assessment, HSE concluded that there would be no significant risks associated with the application.

Subject to conditions, HSE has concluded that risks to the surrounding population arising from the proposed operations are sufficiently small that there are no significant reasons for refusing Hazardous Substances Consent on safety grounds.

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

No comments received.

Conclusion in relation to identified material considerations

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

Overall conclusion

In accordance with the Planning (Hazardous Substances) (Scotland) Act 1997, the application to store hazardous substances on the site is acceptable in terms of the risk to the surrounding land, neighbouring occupiers, and the development plan. There are no material considerations that outweighs this.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Condition

1. The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application.

Reason

1. To safeguard public safety.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 December 2022

Drawing Numbers/Scheme

01,02a,03

Scheme 2

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

Contact: Adam Gloser, Planning Officer
E-mail:adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Environmental Protection Agency

COMMENT: No objection.

DATE: 30 May 2023

NAME: Health and Safety Executive

COMMENT: No objection.

DATE: 19 May 2023

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 20 December 2022

NAME: Queensferry and District Community Council

COMMENT: No objection.

DATE: 30 May 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 21 June 2023

Application for Planning Permission

1 Scotstoun House, South Queensferry, EH30 9SE.

Proposal: Redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension, and erection of new build residential development with associated infrastructure, landscaping, access and parking. (as amended)

Item – Committee Decision

Application Number – 21/04755/FUL

Ward – B01 - Almond

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the developer contributions exceed £250,000. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed residential scheme that will contribute to climate mitigation and adaptation and will encourage biodiversity. The scheme will support the retention of the landscape setting of the listed building and is consistent with the six qualities of successful places as set out in NPF4. The design draws on the unique architectural and landscape character of the site and will create a strong sense of place.

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site relates to No. 1 Scotstoun House, South Queensferry. The site extends to 2.3 hectares. Scotstoun House is a modernist B listed office building (LB 50165 Listed 24 October 2005). It was designed by Peter Foggo of Ove Arup and Partners in 1965. The site also includes earlier ancillary buildings and structures which were part of the historic Scotstoun Estate. These include the walled garden and former stables building.

The building itself is single storey and is set within large tree lined grounds. The building was subject to an extension in 2007 which also included the roofing of the original courtyard.

The site lies within the urban area as defined by the adopted Edinburgh Local Development Plan. A large modern housing development (Hawthorn Gardens) is in the process of being constructed directly to the east and south of the site.

Description of the Proposal

The application is for planning permission for the redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension, and erection of twenty-one new build residential houses with associated infrastructure, landscaping, access and parking.

The development will compose of:

- Eight, detached 5 bedroom villas (Type A properties)
- Three, 2 storey, 4 bedroom townhouses (Type B properties)
- Three, 2 storey, 3 bedroom townhouses converted from the element of the existing 2007 office extension which shall be retained (Type C1 properties)
- Two, 2 storey, 3 bedroom townhouses (Type C2 properties)
- Four, , 4 bedroom properties, from the converted and extended listed office building. (Type E properties)
- One, 2 storey, 4 bedroom house, from the converted stable conversion. (Type F property).

A range of smaller alterations and down takings will take place on the listed building to allow for the conversion to house. A comprehensive site wide tree retention and landscaping approach is proposed. The existing access will be used and the internal access road adjusted within the site.

Supporting Information

- Air Quality Assessment
- Archaeological Assessment
- Bat Assessment (Updated March 2023)
- Daylight and sunlight Analysis
- Ecology Assessment
- Noise Impact Assessment

- PAC Report
- Design and Access Statement
- Heritage Statement
- Planning Statement
- S1 Sustainability Form
- Transport Statement
- Surface Water Management Plan

Relevant Site History

21/04756/LBC

1 Scotstoun House

South Queensferry

EH30 9SE

Internal and external alterations associated with proposed residential development.

Other Relevant Site History

There is no other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeologist

Environmental Protection

Flood Planning

Children and Families

Scottish Water

Waste Services

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 September 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 4

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."*

In this case, Scotstoun House is category B listed building. This assessment has to be made within the parameters of having special regard to the desirability of preserving the character of this buildings or its settings, or any features of special architectural or historic interest which it possesses.

Impact on the character and special interest of Scotstoun House

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Extensions states *The history of use and ownership of a historic building is reflected in the cumulative changes made to it. They can themselves form an aspect of a building's special interest. New alterations or additions, which are of high design quality sympathetic to the character of the building, form part of this continuum. Most historic buildings can sustain some degree of sensitive alteration or extension to accommodate continuing or new uses*

Some buildings have interest as little-altered examples of a modest building type. These are harder to extend sympathetically than many more substantial pieces of architecture.

The clarity and boldness of the modernist building style combined with the construction materials including the horizontality and modular construction using bespoke precast concrete elements give the existing building its unique character and significance.

It must be acknowledged that the existing building has been subject to quite a high degree of intervention, extension and alteration in the past. Internally the majority of the partitions have been removed in order to permit an open-plan working environment, whilst the original open courtyard was covered up by a large raised metal and glass structure on the roof. This roof covering extends approximately 1.7 metres above the original roof height of the building, whilst it is also 13 metres in width and depth. A number of other additions have also been added to the roof including numerous pieces of plant and machinery.

A substantial brick built extension has also been constructed to the east elevation of the original building, which now includes the main entrance to the listed building. This extension covers a large percentage of the east elevation of the listed structure and runs a total of 65 metres. It is also 1 metre taller than the listed building and is visible on the main approach to the structure. As a result of the extension the original building cannot be seen at all from the main car/cycle park where the buildings main entrance is located. The office extension dominates the original building from the main entrance to the degree that the original building now appears subservient.

As a result the existing alterations have compromised the integrity and special interest of the building.

The listed structure will be converted into four dwellings. The proposed internal plan will reinstate the original cellular character of the original interior and its wall lines will be carefully placed either central on the concrete bookshelves (as originally intended) or to the side to ensure that they are preserved.

The listed building was designed to meet office needs of the 1960's. It was adapted in 2007, but the applicant states that it is no longer fit for purpose. A market appraisal was submitted with the application that states that there is not an office market in the local area of South Queensferry and an oversupply of office accommodation in the nearby areas. It also states that the office accommodation is of a bespoke nature and plan which limits its desirability for other commercial users.

Given that the surrounding area is now largely residential, this is the most viable option for the building to continue to be used. The proposed alterations to the listed building will facilitate the removal of an incongruous modern extension and other additions that currently harm the special interest of the building.

The proposed works will also enable the building to remain in use and to be enjoyed and cared for by future residents.

Impact on the setting of Scotstoun House

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that *setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.*

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Both tangible and less tangible elements can be important in understanding the setting. Less tangible elements may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes.

There have been many changes to the setting of the listed building since 1965. The agent has shown photographs that show the loss of large numbers of perimeter woodland trees to the west of the site and the vastly increased suburbanisation of wide areas to the south, east and west of the site. The surrounding area is now dominated by modern developments many of which are clearly visible from the application site. The existing large modern extension to the rear of the building also impacts negatively on the setting of the listed building, especially as this is where the main entrance and exit to the building is located. Its proposed removal will permit the rear elevation of the existing building to be fully viewed again.

Whilst it is acknowledged that some of the proposed new dwellings will be sited within the main parkland setting of the building, a large parkland area shall still be retained in front of the listed building, as the proposed new buildings shall be constructed around the edges of the site. The realigned road proposed will ensure that the listed building is the main feature within the site. The proposal includes new tree planting within this area. The buildings within the main park area will also be set back by approximately 25 metres from the listed building.

The original walled garden within the site which links the listed building to the remains of the original building within the site shall also be retained.

Overall the proposed development will not materially impact upon how the listed building is understood or experienced.

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.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are 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 NPF 4. The relevant policies to be considered are:

- NPF4 climate and nature crisis 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 housing policy 16
- LDP Environment policy Env 1, Env 4, Env 12, Env 16
- LDP Employment and Economic Development policy Emp 9
- LDP Housing and Community Facilities policy Hou 1, Hou 2, Hou 3, Hou 4
- LDP Design policy Des 5
- LDP Transport policy Tra 2, Tra 3, Tra 4, Tra 9

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

Principal of Development

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. The application site falls within an area which has been subject to large modern housing developments. As a result, a number of key cycle paths either run near to or are proposed to be constructed nearby. There are also nearby bus routes in close proximity.

Policy 16 of NPF 4 advises that proposals for new homes on land not allocated for housing will only be supported where there is an agreed build out and the proposals is consistent with the spatial strategy and 20 minute neighbourhoods. The site represents a smaller addition to the housing stock as detailed within the policy and is close to existing facilities at Ferrymuir. In addition, new cycle infrastructure will open the site further to education provision and public transport options. The proposals are considered to be consistent with the terms of NPF 4 Policy 16.

Policy Emp 9 (Employment Sites and Premises) states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

- (a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use
- (b) the proposal will contribute to the comprehensive regeneration of the wider area;
- (c) and, if the site is larger than one hectare, the proposal includes floorspace for a range of business users.

The change of use of the site from offices to residential shall not prejudice or inhibit the activities of any nearby employment use.

An office market demand paper produced by EYCO Chartered Surveyors was submitted with the application. It states that - There is generally extremely limited demand for office space in South Queensferry and there are currently no active requirements for this location. It also notes that the only relatively recent office development being Westcott House at Ferrymuir Lane which struggled to let and currently has one vacant office suite of 2,900 sq ft. Despite Arup's long term occupation in this location, only 9 people, out of their total team of 154, lived local to South Queensferry and it is felt to demonstrate that it is a location that is unlikely to appeal to many new occupiers from a staff perspective.

Whilst the site is large at approximately 2.4 hectares the actual floor space of the office is only 0.15 hectares. This shows that whilst the site itself is extensive the building is relatively small. Given that the actual building itself is small in the context of part c) of policy EMP 9 it is considered acceptable that no replacement employment use is provided in this case.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The application proposes a mix of two to five bedroom homes. The application complies with LDP policy Hou 2.

LDP Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

The site is surrounded primarily by residential uses in the form of modern residential estates. The proposal strikes a good balance between providing a range of large, attractive homes, within an acceptable level of density whilst still ensuring that the setting of the listed building is not compromised. Introducing a development of this density is considered compatible with the density of residential development evident in the area, contributing to the viability of the local area. The site has access to public transport links and cycle routes and residential development in this location will help to support local facilities and commercial uses in the wider area. There are a number of key new active cycle routes being brought forward within the Queensferry Area which will enhance the provision of active travel connections within the area. There is an existing access within the site that connects to the north and Scotstoun Park. A condition is recommended to ensure that this link is retained in perpetuity.

LDP policy Hou 3 (Private Greenspace) states planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. The majority of properties proposed will have access to large private gardens. The type C and type E buildings which shall convert the existing buildings on the site will still have access to either smaller private greenspace/terrace areas or will also benefit from the large communal green space areas which will be present within the site.

The proposal complies with LDP policy Hou 3.

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 previously developed 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 proposal will reuse an existing listed building. The proposals will also seek to ensure that the scheme is fully electric supported by solar photovoltaic panels throughout the new builds with provision of electric car charging for all properties.

Scale, form and Design

NPF Policy 14 seeks to encourage and promote well designed development through a design led approach to development. This is supported through the policies in the Local Development Plan.

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that 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 (Design- impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing. LDP Policy Des 7 (Layout Design) requires new development to have a comprehensive and integrated approach to the layout whilst enhancing site connectivity.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The proposed development is very much informed by the existing characteristics within the site including the listed building within a strong landscape setting. The proposals have been revised to maintain the parkland setting and entrance to the site. The retention of the existing building at the centre of the design response to the site is key to retaining the distinctive character of the site. The proposed new buildings take cues from the existing listed building but achieve buildings of contemporary design and form. The new type A and B buildings will be two storey in height and will be flat roofed with an emphasis on the horizontal.

The external walls of the Type A, B, C2 and D buildings will be finished in a mixture of render and timber with large windows. The materials are appropriate in the surrounding context. Part of the existing rear extension to the building (C1) will be retained and will be refurbished. The original stone wall which forms part of the extension will be retained.

The existing stone built building, which is not listed will also be refurbished and extended with a new timber roof being constructed. The development proposed is modern but respectful of the surrounding area and it will be finished in high quality materials. The density of development proposed is acceptable in terms of respecting the character and setting of the listed building.

Residential Amenity

LDP policy Des 5 states that planning permission will be granted for development where the amenity of neighbouring developments is not adversely affected.

The Edinburgh Design Guidance confirms that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. In assessing this, the Council will look at each case individually and assess the practicalities of achieving privacy against the need for development.

Neighbouring Amenity

The proposed property type A buildings will be suitable set off mutual boundaries as to not materially impact upon the privacy of existing dwellings or those that will be constructed around them. Only one part of one proposed type B house will be located less than 9 metres from the rear mutual boundary. However, this element shall only contain one upper level window. This window will be positioned at an off set angle to the rear boundary and is currently screened to a degree by mature trees/shrubbery.

The type D property proposed will only have a rear garden depth of approximately 5 meters. However, to the rear of this garden is a communal area which appears to be shared between the residents of the development to the north. The rear boundary is also lined by a mature hedge and a number of mature trees which should also provide a degree of further screening.

The proposal will not result in a material loss of privacy to neighbouring properties. It will also not result in a material loss of sunlight or daylight.

The proposal complies with LDP policy Des 5 and the Edinburgh Design Guidance.

Amenity for future occupiers

All of the properties proposed are dual aspect and the detailed sunlight and daylight analysis provided shows that all properties will benefit from adequate levels of sunlight and daylight. A shadow plot analysis has been provided which indicates that the gardens and open spaces (within and outwith the site) will receive more than 2 hours of sunlight on March 21st. It is also noted that the overall site will have large areas of communal green space which shall receive excellent levels of sunlight and daylight.

The Edinburgh Design guidance establishes minimum floor space standards for new residential properties. These are: 81 sqm for a three bedroom property and 91sqm for more than three bedrooms. The proposal exceeds these standards.

LDP policy Hou 3 (Private Greenspace in Housing Development) states that planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents. Each property will have its own private garden space as well as having access to the high quality shared greenspaces which shall be retained within the site.

The proposal complies with LDP policy Hou 3.

Environmental Protection was consulted as part of the assessment of the application. It raised concerns in relation to the potential noise implications of the air source heat pumps. The applicant has stated that they propose to utilise modern low noise units, however, the precise units have not yet been determined. A condition is proposed that further details of the proposed air source heat pumps and their compounds must be submitted for the written approval of the Planning Authority prior to the commencement of development.

The proposal complies with LDP policy Des 5.

Trees and Ecology

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a tree preservation order or on any other tree worthy of retention.

It is noted that there are a number of trees which are located around the site. None of the trees are covered by a Tree Preservation Order (TPO) neither is the site located within a conservation area. As such the applicant could remove trees and tree roots within the site without the consent of the Council. A tree survey, tree retention and protection plan and tree removal plan have been submitted with the application.

The proposals have been amended to reduce the number of new residential properties and as a result the number of trees to be lost has been kept to a minimum. In total 10 trees will be removed of category B and C the majority of which are smaller species within the realigned roadway. A well-defined landscape plan incorporating tree protection measures and new planting supports the application. A further 25 trees will be planted within the site along with shrub planting and new hedging.

Some concerns were raised that the proximity of the proposed houses to the trees could result in future pressure to have them removed. The overshadowing study and shadow plot produced however shows that the properties and gardens will receive adequate levels of sunlight and daylight. The agent has also confirmed that the vision for the site is for homes to be set within the woodlands.

The proposal complies with LDP policy Env 12.

LDP policy Env 16 (Species Protection) states that planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law. A bat survey was submitted with the application. The Councils ecologist has no objections to the proposal. The proposal complies with LDP policy Env 16.

Roads and Sustainability

The Roads Authority were consulted as part of the assessment of the application. They raised no objections. However, further consideration of the position of some of the garages which are against the edge of the internal roadway is required. It is recommended that a condition is attached to any permission to revise the position of the garages on the southern extent of the site. Adequate levels of car and cycle parking will be provided within the site. Cycling storage is provided both within plot curtilage (3 per property) and dedicated bike shelters. There are no double stacking stands.

Flood Prevention

LDP policy Env 21 (Flooding Prevention) states that planning permission will not be granted for development that would increase the risk of flooding or be at risk of flooding itself.

The Scottish Environmental Protection Agency (SEPA) flood maps indicate that only a small part of the site, along the embankment of the road falls within a high risk area of surface water flooding.

A Surface Water Management Plan was submitted with the application which was assessed by Flood Planning. They stated that they had no objections, however, they did recommend that soakaway testing should be conducted to determine whether infiltration can be used to reduce the volume of water discharging from the site. Flood Planning recommend this is conducted as it may help to inform the selection of above ground surface water management measures. This requirement has been added as an informative to the permission.

Scottish Water confirmed that they have no objections and that they will accept the maintenance of the underground Strategic Urban Drainage System (SUDS) tank.

It is noted that the Councils Water Vision discourages the use of underground tanks. However, due to the proximity of the application site to Edinburgh Airport a ground based SUDS system would not be viable in this instance, due to concerns relating to ground level water areas attracting birds. Even with the proposed underground SUDS, in their original consultation response Edinburgh Airport had requested that the application be conditioned so that an ongoing bird management plan would be required for the development. This was based on concerns relating to the use of green roofs and their potential to attract birds. Only after the applicant's ecologist had discussed the matter with the airport was the requirement for this condition dropped.

An informative has been added so that soakaway testing will be carried out. The results of this testing will help finalise what above ground surface water management measures are required. A condition has been applied stating that further details of the proposed hard and soft landscaping, including any ground surface water measures must be submitted for the approval of the Planning Service and Edinburgh Airport, prior to works commencing on site.

Subject to the submission and approval of this information as required by condition, the proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21.

Developer contributions and affordable housing

Education

NPF Policy 18 - Infrastructure First highlights that infrastructure considerations are an integral part to decision making. It is therefore important that the impacts of any development on infrastructure should be mitigated. This approach is supported by Policy Del 1 of the LDP which outlines the requirements for education contributions.

The impact of the proposed development on the existing learning estate and the current actions set out in the latest Action Programme was not previously assessed as part of the latest assessment for the LDP Action Programme Update (December 2021). The site falls within Sub-Area Q-1 of the 'Queensferry Education Contribution Zone'. Therefore there is a requirement for the proposals to contribute to the delivery of education infrastructure to support the development. This is provided on a 'per house' rates as follows:

- Primary Infrastructure £19,616 per house
- Secondary Infrastructure £12,942 per house
- Per unit land contribution requirement: Primary land £2,469 per house

Affordable Housing

LDP Policy Hou 6 - Affordable Housing requires that any residential development of 12 or more units is required to deliver 25% affordable housing. In schemes over 20 it is expected that this would be on site. In this case the proposals are for 21 residential units. Under the policy there is a requirement for 5.25 affordable homes.

Dialogue has been ongoing throughout the course of the application assessment with the applicant indicating that onsite delivery was unavailable due to projected costs and the unique listed building conversion and setting. The Council's own published Affordable Housing guidance sets out that the payment of commuted sums in lieu of on-site provision can be acceptable where specific criteria are met. There are exceptional reasons why on-site affordable housing will not be achievable for this application.

The application is for a conversion of an existing building. Conversations may not lend themselves to onsite affordable provision as the adaptation of an existing building can make meeting energy efficiency and accessibility standards difficult, costly or impossible. Additionally, listed building are more costly for RSLs to insure and maintain than new build homes.

An independent cost plan assessment has shown that the costs of the conversion and redevelopment are exceptionally high. Construction costs are three and half times more than a RSL would typically be able to pay. It is therefore not viable for a RSL to deliver onsite affordable homes. The high construction costs completely rule out any possibility of onsite affordable housing for this application.

A viability assessment of the development was carried out and all project costs were independently checked and provided to the District Valuer. An affordable housing commuted sum is calculated based on the land value of the affordable homes. In line with national planning guidance, the land value is calculated by taking the gross development value (the sales values of the completed properties) minus the gross development costs and developer profit. Where there are other contributions to be made, these are counted as development costs, which therefore lower the total amount which would be payable as an affordable housing commuted sum.

The District Valuer's recommendation is that a commuted sum of £51,650 in total is payable, equating to £9,838 per unit. This figure is lower per unit than other recent affordable housing commuted sums because of the high construction costs and the other contributions required.

The Council is confident that the sum could be used to support affordable housing within the same area of the city within ten years of the payment being made. If committee is minded to grant this application, the applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing contribution.

Archaeology

The Council's archaeologist was consulted as part of the assessment of the application. He has confirmed that he has no objections subject to a condition in relation to programme of archaeological works being carried out prior to works commencing on site.

Conclusion in relation to the Development Plan

The proposals have due regard to global climate and nature crisis, are of an acceptable scale, form and design, are compatible with both the existing listed building and neighbourhood character and do not result in an unreasonable loss of neighbouring amenity. The proposals comply with the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

- loss of open space
- loss of open space
- support for a modern development

Queensferry and District Community Council

- disappointed ARUP are moving away - not a material planning consideration
- loss of open space
- query whether the transport links are appropriate
- gate connection to the north is important.

Conclusion in relation to identified material considerations

The material considerations do not raise any additional matters that have not already been addressed.

d) Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed residential scheme that will contribute to climate mitigation and adaptation and will encourage biodiversity. The scheme will support the retention of the landscape setting of the listed building and is consistent with the six qualities of successful places as set out in NPF4. The design draws on the unique architectural and landscape character of the site and will create a strong sense of place.

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, historic building recording, 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.
3. Prior to the commencement of development the position of all garages shall be adjusted to the satisfaction of the Planning Authority and submitted for approval , in order to avoid any potential vehicle infringements.
4. Prior to the commencement of development all tree protection measures detailed on drawing 53a Tree Protection and Retention Plan must be implemented in full. These measures must not be removed or altered in any way unless with the consent of the planning authority.
5. The existing access/gate connecting the site to Scotstoun Park to the north shall be maintained in perpetuity and shall be kept open for public use.
6. Prior to the commencement of development further details of the proposed air source heat pumps and their compounds must be submitted for the written approval of the Planning Authority

7. Further details of the proposed hard and soft landscaping, including any ground surface water measures must be submitted for the approval of the Planning Authority in consultation with Edinburgh Airport, prior to works commencing on site .

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In the interest of pedestrian safety.
4. In order to safeguard the trees.
5. In the interest of accessibility.
6. In the interest of amenity.
7. In the interest of aerodrome safety.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Consent shall not be issued until a suitable legal agreement has been concluded to cover the following infrastructure requirements:

Children and Families to alleviate accommodation pressures in the local catchment area.

- Primary Infrastructure £19,616 per house
- Secondary Infrastructure £12,942 per house
- Per unit land contribution requirement: Primary land £2,469 per house

Affordable Housing

- a commuted sum of £51,650 in total is payable.

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. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes'

(available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

5. Soakaway testing should be conducted to determine whether infiltration can be used to reduce the volume of water discharging from the site.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 September 2021

Drawing Numbers/Scheme

1,2b,3,5-32,33a-37a, 39-49, 49a- 55a, 56-58

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Elaine Campbell, Operations Manager - Development Management
E-mail: elaine.campbell@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: Further to your consultation request, I would like to make the following comments and recommendations in regards to this application for the redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension, and erection of new build residential development with associated infrastructure, landscaping, access and parking.

A full detailed background is contained within both the Desk-based Assessment and Heritage Statement produced by Turely's for this application. However, in summary, the site concerns the B-listed 1960's Scotstoun House Offices designed for Ove Arup Engineers in 1965 by Peter Foggo. This regional significant modernist building was constructed within and incorporates sections of the former 19th century Scotstoun House, principally its walled garden and coach house. This important house was constructed on the northern side of the Ferrymuir for the medieval town of South Queensferry which sat astride the historic coastal road running from Cramond Brig westwards via South Queensferry towards Falkirk, a road which is thought to mirror the route taken by the Roman Road linking the fort at Cramond with the Antonine Wall to the west.

As such the site has been identified as occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage in terms of the B-listed Ove Arup offices and remains of the earlier 19th century estate. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV2, ENV3, ENV4, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

If consented it is essential that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, conservation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

DATE: 5 October 2021

NAME: Environmental Protection

COMMENT: Noise Impacts of the ASHP should be fully understood.

DATE: 3 February 2022

NAME: Flood Planning

COMMENT: Development can proceed with a condition in relation to soakaway testing.

DATE: 30 March 2022

NAME: Children and Families

COMMENT: The proposed development is required to make a contribution towards the delivery of the amended actions based on the established 'per house' and 'per flat' rates.

DATE: 1 June 2022

NAME: Scottish Water

COMMENT: No Objection.

DATE: 21 September 2021

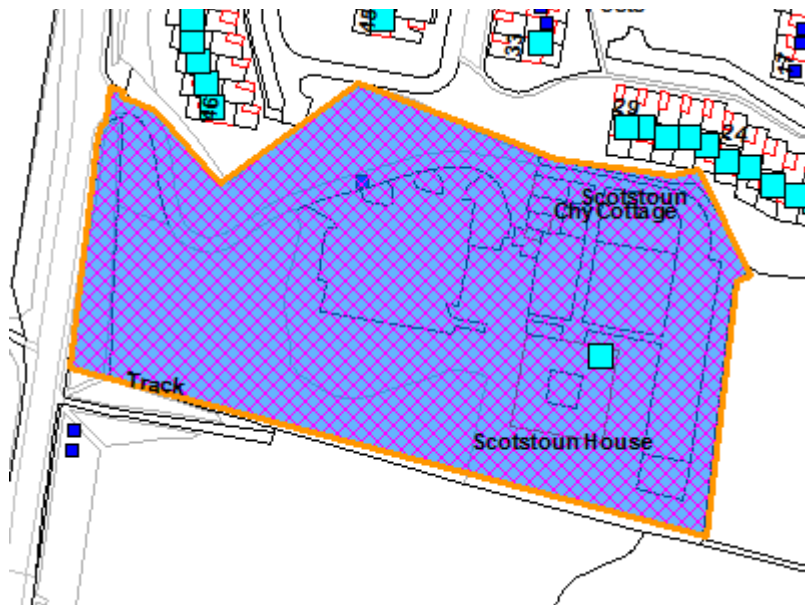
NAME: Waste Services

COMMENT: No objections.

DATE: 7 October 2021

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 21 June 2023

Application for Planning Permission

Proposed Temporary Festival Venue 40 meters north of, 22-23 Teviot Place, Edinburgh.

Proposal: Edinburgh Festival Fringe venue site comprising one performance venue, bar, toilets and ancillary offices and storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site.

Item – Committee Decision

Application Number – 23/01346/FUL

Ward – B15 - Southside/Newington

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to an area of open space within the privately-owned Elsie Inglis Quadrangle of the University of Edinburgh. The area is bound by Teviot Place to the north, with various University of Edinburgh buildings surrounding the site. The area is currently an enclosed area of hardstanding with informal car parking. A number of the surrounding buildings are listed:

- Category A listed McEwan Hall (Ref: LB27993) directly to the east of the application site; and
- Category A listed New Building Medical School (Ref: LB27992) to the south of the application site.

The application site is located within the South Side Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The proposal seeks to create one temporary performance venue (with a capacity for 80 people), with a bar, toilets, ancillary offices and storage. Entry to the site is non-restricted and free of charge.

There will be ramped access throughout the site and into all performance venues with an accessible toilet available within McEwan Hall.

Proposed Key Dates 2023

- Set up: 17 July - 1 August;
- Operational: 2 - 28 August;
- Take down: 29 August - 5 September.

Proposed Key Dates 2024

- Set up: 15 July - 30 July;
- Operational: 31 July - 26 August;
- Take down: 27 August - 3 September.

Proposed Key Dates 2025

- Set up: 14 July - 29 July;
- Operational: 30 July - 25 August;
- Take down: 26 August - 2 September.

Proposed Operational Hours 2023-2025

- 1000 - 0400.

Proposed Build/Strike Hours 2023-2025

- 0800 - 2000.

Temporary consent is sought for the same period over a recurring three year period.

Supporting Information

A Planning Statement and Noise Management Plan were submitted with the application which is available to view on the Planning and Building Standards Online Services.

Relevant Site History

No relevant site history.

Other Relevant Site History

15 June 2022 - Application Granted for Edinburgh Festival Fringe venue site comprising one temporary performance venue, bar, toilets and ancillary offices and storage. - 22/01359/FUL

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Environmental Protection

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

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

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

- Managing Change - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

Conclusion in relation to the listed building

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) 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 application site is located within the Second Expansion Area of the South Side Conservation Area. The South Side Conservation Area Character Appraisal notes that Bristo Square is extremely permeable for pedestrians and provides an appropriate setting to the McEwan Hall.

The application site is an enclosed area only providing access to the surrounding building. Whilst the proposal would reduce the available area for pedestrians for a temporary period, the impact of this is considered negligible. The structure will be located in an area of open space on a smaller scale than any of the important surrounding historic buildings. The proposal will not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore 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?

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

- NPF4 Historic Assets and Places Policy 7
- LDP Design policies Des 1, Des 5 and Des 12
- LDP Shopping and Leisure policies Ret 7.

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

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located on a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

World Heritage Site

The proposals seek to introduce new structures, furniture and will involve the occupation of important public space causing some harm to the Outstanding Universal Value (OUV) of the World Heritage Site. However, in this case, this is offset to some degree by the specific contribution that the Edinburgh Festival and Fringe themselves make to Edinburgh's heritage and cultural value, as well as the temporary nature of the proposals.

The cultural nature of the proposals are considered to provide a juxtaposition to the local setting and character.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7 i).

Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with NPF4 Policy 7.

Amenity

The applicant submitted a Noise Management Plan outlining their plans to limit noise pollution to surrounding residents and businesses. Environmental Protection has been consulted on the application and does not offer any objection to the scheme.

Whilst the proposal will be operational in some form until 0400 daily, any mitigation required from this will be covered via Licensing. It is considered that the proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Des 5.

Conclusion in relation to the Development Plan

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

No representations were received.

Conclusion in relation to identified material considerations

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development hereby approved shall be permitted during the time period of 17 July 2023 - 5 September 2023 (50 days) only and all structures shall be removed from the site by 5 September 2023. A 50 day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2024 and 2025. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2024 and 2025.

Reason

1. In recognition of the temporary nature of the proposals.

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: 27 March 2023

Drawing Numbers/Scheme

01-08

Scheme 1

David Givan
Chief Planning Officer
PLACE

The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 25 April 2023

NAME: Environmental Protection

COMMENT: No objection

DATE: 28 April 2023

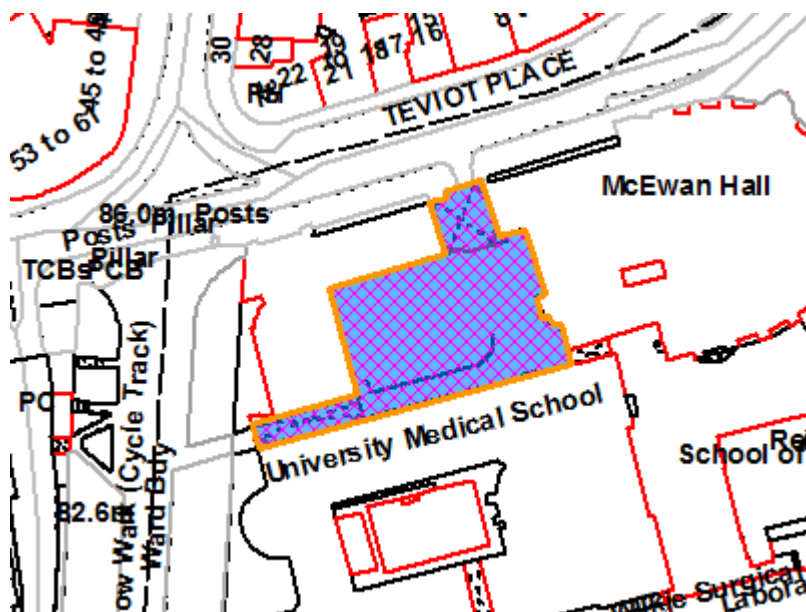
NAME: Archaeology

COMMENT: No objection

DATE: 19 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 21 June 2023

Application for Planning Permission

Proposed Fringe Festival Venue Site Teviot Place, Bristo Square, Edinburgh.

Proposal: Edinburgh Festival Fringe venue site comprising a bar and ancillary storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site.

Item – Committee Decision

Application Number – 23/01350/FUL

Ward – B15 - Southside/Newington

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to an L-shaped area of hardstanding nestled in between McEwan Hall to the north of the site, Bristo Square to the east, Reid Concert Hall to the south and further University of Edinburgh buildings to the west. The area currently functions as a thoroughfare for pedestrians accessing various University buildings.

A number of the surrounding buildings are listed:

- Category A listed McEwan Hall (Ref: LB27993) directly to the north of the application site;
- Category A listed Reid School of Music (Ref: 27995) to the south east of the application site;
- Category B listed Teviot Row House (Ref: LB27998) further east of the application site; and
- Category A listed Medical School (Ref: LB27992) to the west of the application site.

The application site is located within the South Side Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description Of The Proposal

The proposal seeks to erect temporary structures to provide a bar and queuing area for customers waiting to access adjacent festival function venues. The site will consist of a bar and ancillary storage. Entry to the site is non-restricted and free of charge. There will be ramped access throughout the site and the site provides lift access into Reid Concert Hall and McEwan Hall. There will be an accessible toilet in McEwan Hall.

Proposed Key Dates 2023

- Set up: 16 July - 1 August;
- Operational: 2 - 28 August;
- Take down: 29 August - 4 September.

Proposed Key Dates 2024

- Set up: 14 July - 30 July;
- Operational: 31 July - 26 August;
- Take down: 27 August - 3 September.

Proposed Key Dates 2025

- Set up: 13 July - 29 July;
- Operational: 30 July - 26 August;
- Take down: 26 August - 2 September.

Proposed Operational Hours 2023-2025

- 1000 - 0400.

Proposed Build/Strike Hours 2023-2025

- 0800 - 2000.

Temporary consent is sought for the same period over a recurring three year period.

Supporting Information

A Planning Statement and Noise Management Plan were submitted in support of the application. These are available to view on the Planning and Building Standards Online Services.

Relevant Site History

22/02987/FUL

Proposed Fringe Festival Venue Site Teviot Place
Bristo Square
Edinburgh

Temporary change of use and siting of performance units, catering units and other associated moveable structures for the Edinburgh Fringe Festival.

Granted

19 August 2022

22/02969/ADV

Proposed Fringe Festival Venue Site Teviot Place
Bristo Square
Southside
Edinburgh

Banners attached to railings.

Granted

31 August 2022

22/01362/FUL

Proposed Fringe Festival Venue Site Teviot Place
Bristo Square
Edinburgh

Edinburgh Festival Fringe venue site comprising a box office, bars, food traders and ancillary office and storage.

Granted

17 June 2022

22/01360/FUL

Proposed Fringe Festival Venue Site Teviot Place
Bristo Square
Edinburgh

Edinburgh Festival Fringe venue site comprising one bar and ancillary storage.

Granted

17 June 2022

22/01359/FUL

Proposed Fringe Festival Venue Site Teviot Place
Bristo Square
Edinburgh

Edinburgh Festival Fringe venue site comprising one temporary performance venue, bar, toilets and ancillary offices and storage.

Granted

17 June 2022

Other Relevant Site History

No other site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Environmental Protection

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

Conclusion in relation to the listed building

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) 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 application site is located within the Second Expansion Area of the South Side Conservation Area. The South Side Conservation Area Character Appraisal notes that Bristo Square is extremely permeable for pedestrians and provides an appropriate setting to the McEwan Hall.

Whilst the proposal would reduce the available area for pedestrians for a temporary period, the square would become a focal point and bring additional vibrancy to the well utilised area of public realm. The structures will be located in an area of open space on a smaller scale than any of the important surrounding historic buildings. The proposal will not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore 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?

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

- NPF4 Historic Assets and Places Policy 7
- LDP Design policies Des 1, Des 5 and Des 12
- LDP Shopping and Leisure policies Ret 7.

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

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located on a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

World Heritage Site

The proposals seek to introduce new structures, furniture and will involve the occupation of important public space causing some harm to the Outstanding Universal Value (OUV) of the World Heritage Site. However, in this case, this is offset to some degree by the specific contribution that the Edinburgh Festival and Fringe themselves make to Edinburgh's heritage and cultural value, as well as the temporary nature of the proposals.

The cultural nature of the proposals are considered to provide a juxtaposition to the local setting and character.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7 i).

Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with NPF4 Policy 7.

Amenity

The applicant submitted a Noise Management Plan outlining their plans to limit noise pollution to surrounding residents and businesses. Environmental Protection has been consulted on the application and does not offer any objection to the scheme.

Whilst the proposal will be operational in some form until 0400 daily, any mitigation required from this will be covered via Licensing. It is considered that the proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Des 5.

Conclusion in relation to the Development Plan

Overall the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

No representations were received.

Conclusion in relation to identified material considerations.

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development hereby approved shall be permitted during the time period of 16 July 2023 - 5 September 2023 (51 days) only and all structures shall be removed from the site by 5 September 2023. A 51 day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2024 and 2025. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2024 and 2025.

Reason

1. In recognition of the temporary nature of the proposals.

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 per the submitted Noise Management Plan, all amplified music should be regulated to ensure that no amplified entertainment noise will be audible within residences in the local area after 23:00hrs.

3. The applicant should liaise with the Council as Roads Authority during the construction, operation and decommissioning of the site to ensure the impact on pedestrians and other road users is minimised.
4. 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: 27 March 2023

Drawing Numbers/Scheme

01-07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

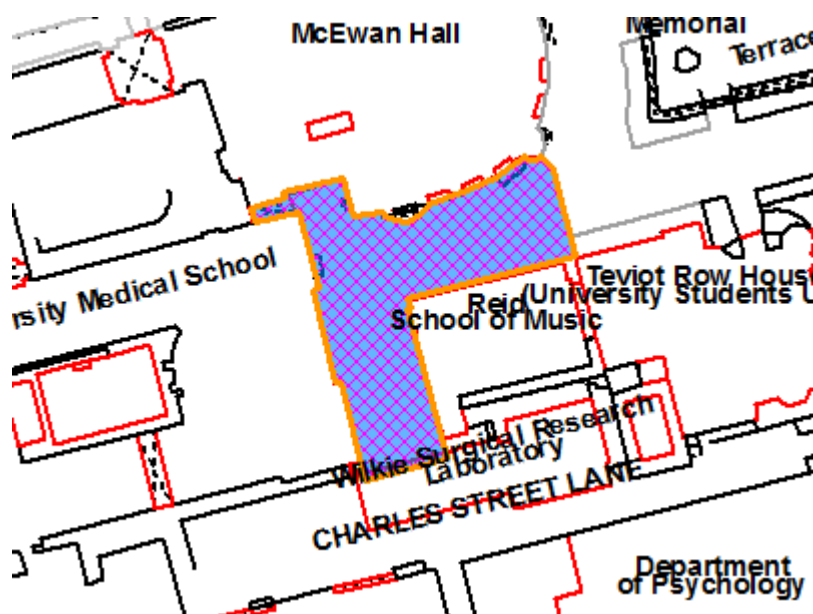
NAME: Historic Environment Scotland
COMMENT: No objection
DATE: 25 April 2023

NAME: Environmental Protection
COMMENT: No objection.
DATE: 28 April 2023

NAME: Archaeology
COMMENT: No objection
DATE: 19 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 21 June 2023

Application for Planning Permission

Proposed Fringe Festival Venue Site Teviot Place, Bristo Square, Edinburgh

Proposal: Edinburgh Festival Fringe venue site comprising a box office, bars, food trader's toilets and ancillary offices and storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site. The area will also be used for University of Edinburgh graduations.

Item – Committee Decision

Application Number – 23/01354/FUL

Ward – B15 - Southside/Newington

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the application is of the wider public interest.

Recommendation

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

Summary

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to the central area of Bristo Square which is semi-enclosed with a circular perimeter of steps. The site is bound by McEwan Hall to the west, Teviot Row House to the south and Edinburgh University to the east. The site is a valuable area of public realm used regularly by pedestrians with various elements of street furniture scattered throughout around the perimeter.

Several of the surrounding buildings are listed:

- Category A listed McEwan Hall (Ref: LB27993) directly to the west of the application site.
- Category A listed Reid School of Music (Ref: 27995) to the southwest of the application site; and
- Category B listed McEwan Lantern Pillar (Ref: 27994) to the southeast of the site.

The application site is located within the South Side Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The proposal seeks to erect temporary structures to support 'Underbelly Bristo Square' and will consist of a box office, bars, food traders, toilets and ancillary offices and storage. Entry to the site is non-restricted and free of charge. There will be ramped access throughout the site and there will also be an accessible toilet located within the main toilet area of the site.

The site will also be used for University of Edinburgh Graduations prior to the commencement of the Edinburgh Festival Fringe.

Proposed Key Dates 2023

- Build Period: 17 June - 29 June 2023.
- Operational Period: 30 June - 28 August 2022; and
- Strike Period: 29 August - 5 September 2022.

Proposed Operational Hours

- Graduations (30 June - 1 August 2022): 1000-0000.
- Edinburgh Festival Fringe (3 August - 29 August 2022): Site Open 1000-0400, Performance Schedule 1200-2300.

Proposed Key Dates 2024-2025

The dates for 2024-2025 have still to be clarified.

Supporting Information

A Planning Statement and Noise Management Plan were submitted with the application which is available to view on the Planning and Building Standards Online Services.

Relevant Site History

22/02987/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Temporary change of use and siting of performance units, catering units and other associated moveable structures for the Edinburgh Fringe Festival.

Granted

19 August 2022

22/01362/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising a box office, bars, food traders and ancillary office and storage.

Granted

17 June 2022

22/01360/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising one bar and ancillary storage.

Granted

17 June 2022

22/01359/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising one temporary performance venue, bar, toilets and ancillary offices and storage.

Granted

17 June 2022

23/01350/FUL

Proposed Fringe Festival Venue Site Teviot Place

Bristo Square

Edinburgh

Edinburgh Festival Fringe venue site comprising a bar and ancillary storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site.

Other Relevant Site History

No Further site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Environmental Protection

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

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) The proposals harm the listed building and its setting.

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

- Managing Change - Setting
- Managing Change - World Heritage

The Managing Change guidance states setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. It can often be integral to a historic asset's cultural significance.

Setting often extends beyond the property boundary or 'curtilage' of an individual historic asset into a broader landscape context. Development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

Given the temporary nature of the proposal, it is considered there will be no adverse impact on the surrounding listed buildings and their setting.

Conclusion in relation to the listed building

The proposal will have no detrimental impact on the setting of the neighbouring listed buildings. The proposal therefore is acceptable with regard to section 59(1) 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 application site is located within the Second Expansion Area of the South Side Conservation Area. The South Side Conservation Area Character Appraisal notes that Bristo Square is extremely permeable for pedestrians and provides an appropriate setting to the McEwan Hall.

Whilst the proposal would reduce the available area for pedestrians for a temporary period, the square would become a focal point and bring additional vibrancy to the well utilised area of public realm. The structures will be located in an area of open space on a smaller scale than any of the important surrounding historic buildings. The proposal will not detract from the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal will not have an adverse impact on the character or appearance of the South Side Conservation Area and therefore 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.

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

- NPF4 Historic Assets and Places Policy 7
- LDP Design policies Des 1, Des 5 and Des 12
- LDP Shopping and Leisure policies Ret 7.

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

Use

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) seeks to ensure that entertainment and leisure developments can be integrated well with the surrounding environment, are easily accessible by sustainable transport modes and do not introduce unacceptable noise and late-night disturbance to local residents.

The site is located within the City Centre in the Local Development Plan. It is considered the proposal can be well integrated into the surrounding environment with minimal impact on the historic environment. The proposal is located on a central location which is considered easily accessible by various sustainable modes of transport and no parking will be provided.

Impacts of noise and disturbance in relation to criterion b) are considered below.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

World Heritage Site

The proposals seek to introduce new structures, furniture and will involve the occupation of important public space causing some harm to the Outstanding Universal Value (OUV) of the World Heritage Site. However, in this case, this is offset to some degree by the specific contribution that the Edinburgh Festival and Fringe themselves make to Edinburgh's heritage and cultural value, as well as the temporary nature of the proposals.

The cultural nature of the proposals are considered to provide a juxtaposition to the local setting and character.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7 i).

Listed Buildings and Conservation Area

The impact on surrounding listed buildings and the conservation area has been assessed above and complies with NPF4 Policy 7.

Amenity

The applicant submitted a Noise Management Plan outlining their plans to limit noise pollution to surrounding residents and businesses. However, Environmental Protection has requested a full Noise Impact Assessment demonstrating that amplified music and vocals from the site can meet NR15 within the living apartments of any nearby noise-sensitive receptors. A Noise Impact Assessment was not requested from the applicant as it was considered unnecessary.

Whilst the proposal will be operational in some form until 0400 daily, any mitigation required from this will be covered via Licensing. The site is a highly central and frequented site during the festival period with many other venues being located closer to residential receptors, ensuring that this site will not have an excessive impact on neighbouring amenity. On balance, a pragmatic approach must be taken as this is a very busy area during the festival, for a temporary period, and it is considered that overall, the proposal is acceptable in planning terms and should be supported.

It is considered that the proposal complies with LDP Policy Des 5.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

No representations were received.

Conclusion in relation to identified material considerations.

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The application is acceptable with regard to the relevant policies contained within the National Planning Framework 4, the Edinburgh Local Development Plan, Section 59(1) and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the relevant non-statutory Guidance. The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development hereby approved shall be permitted during the time period of 17 June 2023 - 5 September 2023 (80 days) only and all structures shall be removed from the site by 5 September 2023. An 80-day period within a similar timeframe to facilitate Edinburgh Festival infrastructure is also approved for 2024 and 2025. The dates shall be submitted to the Planning Authority prior to the use being taken up in 2024 and 2025.

Reasons

1. In recognition of the temporary nature of the proposals.

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: 27 March 2023

Drawing Numbers/Scheme

01-13

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail: adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 25 April 2023

NAME: Environmental Protection

COMMENT: Cannot support the application without an accompanying full Noise Impact Assessment.

DATE: 28 April 2023

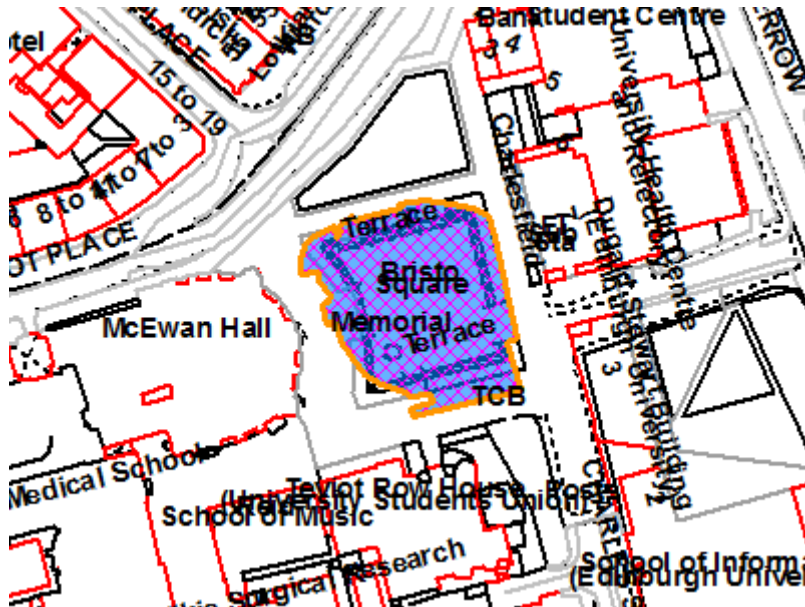
NAME: Archaeology

COMMENT: No objection.

DATE: 19 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 21 June 2023

**Application for Planning Permission STL
The Water Tower, South Queensferry, EH30 9TS.**

Proposal: Change of use from residential to commercial short term let.

**Item – Committee Decision
Application Number – 23/00581/FULSTL
Ward – B01 - Almond**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

A change of use of this property to Short Term Let (STL) will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan NPF 4 policy 30 (e) part (i) and LDP policy Hou 7.

Whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), on balance it is recognised that there is a strong degree of economic benefit having this property in STL use. The economic benefit paired with the properties unique nature and situation all contribute to its compatibility as an STL.

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

SECTION A – Application Background

Site Description

The application site is for the converted Water Tower, in East Dalmeny. Located within the Green Belt as detailed in the Local Development Plan. The property is a three storey, one bedroom house, with garden grounds to the west. The property is accessed via a shared driveway to the south, that is used by one other residential property. The property has its own main door entrance and parking to the east. To north of the site is Main Street that runs east from Dalmeny village.

The property is positioned in a rural setting however the surrounding character has mixed use elements, with both commercial and residential uses. The Water Tower is accessible by public transport via Easter Dalmeny bus stop.

The building is category C listed (5545), designated on the 30/01/1981.

Description of The Proposal

Change of use from residential to commercial short term let (retrospect).

Supporting Information

- Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

The proposal is associated with a previous change of use on the site (99/01074/FUL).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 22 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 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?

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

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

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

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

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

Conclusion in relation to the listed building

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

c) The proposals comply with the development plan?

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Green Belt Policy 8.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3
- Local Development Plan Environment Policies, Env 10

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Business (updated April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Building and Setting

The impact on the setting of the listed building and neighbouring listed buildings has been assessed in section a) above which concluded that this would be preserved.

The proposal complies with the objectives of NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

Development in the Green Belt and Countryside

As the development will not see physical development, this ensures that the proposal would not detract from the landscape quality or rural character of the area. The proposal complies with NPF4 Policy 8.

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 (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 (update April 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 proposed site is located in a mixed-use rural position. Accessed via a private front door, from a driveway that is shared with the residential property, Easter Dalmeny Farmhouse, situated 60 metres further beyond.

The property is unique in nature. The converted water tower comprises of three floors, one room per floor, with a single bedroom. This limits the use of the property to just two guests and would not facilitate uses that could cause unreasonable levels of disturbance. Due to its isolation and no immediate neighbouring properties, a change of use to STL would not detriment the immediate neighbouring properties residential amenity.

The properties size, unique nature and isolated position mitigates the effect it could have on the residential amenity of neighbouring properties beyond what is existing in the further local area.

The proposal will not have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal complies with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

As the current lawful planning use of the property is residential a change of use would result in the loss of residential accommodation.

Having the property within residential use would contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

However, 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 also 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 provided a planning statement commenting that a change of use would not impact on the overall housing supply as it is a one-bedroom property and it would help meet the unmet need for holiday accommodation.

In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits, though it is recognised there is a degree of economic benefit and given the unique characteristics of this property, it is considered the non-compliance with Policy 30 (e) part (ii) is justified.

Parking Standards

Off street parking is available, though zero parking is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

Whilst it is recognised the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), the unique character of the property and its position supports its use and function as a short term let, which is further supported by the recognised economic benefits to the local economy.

Furthermore, a change of use of this property to short term let will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan and NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a strong degree of economic benefit having this property in short term let use. The economic benefit paired with properties unique nature and the situation all contribute to its compatibility as a short term let. Overall, on balance, 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

The application received no public representations.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified which outweigh the conclusion in relation to the development plan.

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.

A change of use of this property to STL will not have an unacceptable impact on neighbouring amenity. The proposal complies with the Development Plan NPF 4 policy 30 (e) part (i) and LDP policy Hou 7.

On balance, whilst the proposal does not fully comply with NPF 4 policy 30 (e) part (ii), it is recognised that there is a strong degree of economic benefit having this property in STL use. The economic benefit paired with the properties unique nature and situation all contribute to its compatibility as an STL.

The change of use of this property to a Short Term Let will have an acceptable impact on neighbouring amenity. The proposal complies with LDP policy Hou 7 and NPF 4 policy 30 (e) part (i). Overall, the proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this proposal.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No conditions are attached to this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 13 February 2023

Drawing Numbers/Scheme

01 - 03

Scheme 1

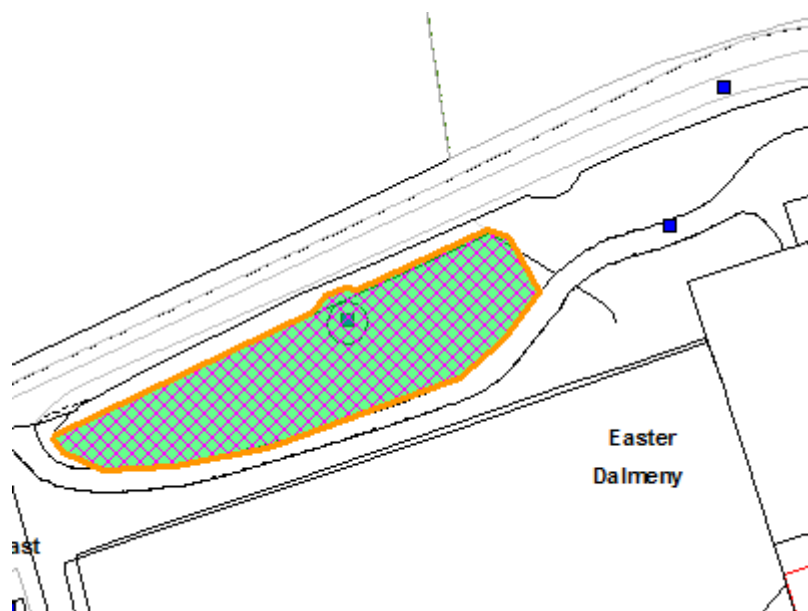
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
22 Young Street North Lane, Edinburgh.**

Proposal: Change of use with alterations from office to form 3x short term let visitor accommodation.

**Item – Committee Decision
Application Number – 22/04402/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

The site is situated in close proximity to a number of other visitor accommodations, including other STLs and a large hotel. This contributes to high levels of pedestrian footfall during the day and at night. The proposal is acceptable with regard to amenity and the character of the area as the change of use would not further detriment the residential amenity of the immediate area.

The proposal fully complies with NPF 4 policy 30, as the development will not have a detrimental impact of residential amenity or see the loss residential dwellings.

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

SECTION A – Application Background

Site Description

The application site is a terraced two storey commercial property located at 22 Young Street North Lane, positioned between commercial and short term let properties. The property is currently accessed via a private street access with four garage car parking spaces and office space on the first floor.

Young Street North Lane is of mixed character, the southern side of the street has a mix of residential properties and office developments, and the northern side of the street serving as the rear entrances to hotels, offices or parking for properties that have their primary access from Queens Street. The surrounding area contains a mix of different uses, including offices, retail, cafes/restaurants, hotels and tourist attractions. Public transport links are easily accessible from the site, in the form of rail, bus and tram.

The application property is part of a category A listed building (30002), 03/03/1966.

The site is situated within the Edinburgh World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape and the New Town Conservation area.

Description of the Proposal

The application is for a change of use with alterations from office to form three short term let visitor accommodation.

Supporting Information

- National Planning Framework 4 Planning Statement.
- Planning Statement

Relevant Site History

22/04400/LBC

22 Young Street North Lane

Edinburgh

EH2 4JD

Alterations to existing office accommodation to form 3x studio flats for use as short-term lets

Granted

20 December 2022

Other Relevant Site History

No further relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

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

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) The proposals harm the listed building or its setting?

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

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

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

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

Impact on Listed Building

22 Young Street North Lane was developed as an ancillary development at the rear elevation of the 17 Young Street. 22 Young Street North Lane is a 2-storey terraced building, with garages at ground and a top-lit studio on the 1st floor. The property has seen contemporary development with the installation of PVC windows and metal garage doors.

The proposed alterations are sympathetic to the Listed Properties setting. The proposed changes will alter the form of the development; however, this would not be out of character to similar development in the immediate vicinity.

The proposal will not impact on any significantly important historical architectural features and therefore would not adversely impact on the architectural or historic merits of the listed building. The building has been subject to low quality modern interventions and the proposed development would not further detriment historical character of the property.

Conclusion in relation to the listed building

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

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

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

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

The 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 development is not out of character for its situation, with similar styles of development having already occurred. The proposed development would not further impact on the character and appearance of the conservation area, and therefore is acceptable.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan?

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

- NPF 4 Sustainable Places policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3

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

The non-statutory 'Listed Building and Conservation Area' guidance and 'Guidance for Householders' are material considerations that are relevant when considering NPF4 Policy 7 and LDP policy Des 12.

Listed Buildings, Conservation Area and World Heritage Site

There are both external and internal works proposed within the development. The changes that are to be made to the listed building would not have any effect to any significant historical architectural elements. The conversion and changes made to the garages are in keeping with similar development in the immediate environment, further Conservation Area and World Heritage Site.

As such there will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

Design, form and neighbourhood character

The proposals are of an acceptable scale, form and design and are compatible with the existing dwelling. The proposals will preserve the character and appearance of the conservation area and built features which contribute to character, as detailed in section a) of the assessment.

The proposal complies with NPF4 policy 7 and LDP policy Des 12.

Proposed Use

With regards to NPF 4 Policy 1, the proposals are acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. 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 (updated April 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 proposed property has a main door access and is located close to an existing 'Yotel' hotel, which attracts pedestrian footfall and vehicle traffic to access the rear pedestrian and service entrances located opposite. The property is in immediate proximity to other STL uses. The change of use would not have a detrimental effect on the residential amenity of the immediate area.

The property is in close proximity to a number of leisure and tourist amenities, including restaurants, bars, hotels and other STLs. This contributes to high ambient noise levels in the street during the day and at night. Due to the character of the area being busy and of a mixed-use nature, the STL use will not have a detrimental impact on 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 application property is currently in commercial office use. Therefore, as the proposal does not involve the loss of residential accommodation NPF4 Policy 30 (e) part (ii) is not applicable.

Parking Standards

One garage parking will remain, however, zero parking is acceptable as there are no parking requirements for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to amenity and the character of the area. The location of the property within North Young Street Lane is an area that experiences high levels of pedestrian footfall from existing visitor accommodation.

The change of use will not significantly impact on residential amenity within the immediate area and the proposed use is compatible with character of the surrounding area. The proposal complies with NPF 4 policy 30 (e) part (i). As the development is currently not within residential use NPF 4 policy 30 (e) part (ii) is not applicable.

The proposal complies with the provisions of the Development Plan and National Planning Framework.

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

The application received three public representations, two objections and one general.

material considerations in objection

- Loss of housing. Discussed within section c).
- Objections to the loss of historical elements. Discussed within a) and b).
- Concern in regards to the detrimental effect on residential amenity. Discussed within section c).
- Concern of parking on Young Street. Discussed within section c).

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified which outweigh the conclusion in relation to the development plan.

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 site is situated in close proximity to a number of other visitor accommodations, including other STLs and a large hotel. This contributes to high levels of pedestrian footfall during the day and at night. The proposal is acceptable with regard to amenity and the character of the area as the change of use would not further detriment the residential amenity of the immediate area.

The proposal fully complies with NPF 4 policy 30 (e), as the development will not have a detrimental impact of residential amenity or see the loss residential dwellings.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following :-

Conditions

1. 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: 5 October 2022

Drawing Numbers/Scheme

01 - 08

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

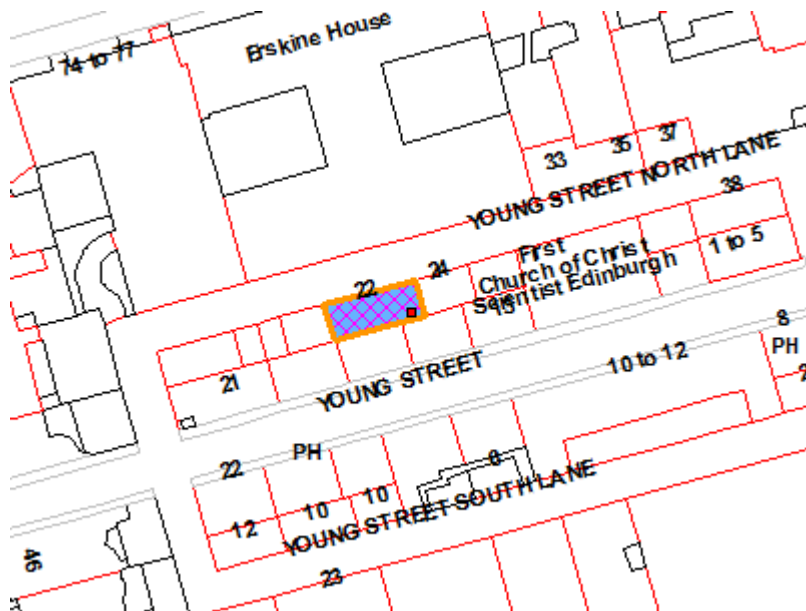
Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

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

Report returning to Committee - Wednesday 21 June 2023

**Application for Planning Permission
229 Willowbrae Road, Edinburgh, EH8 7ND.**

Proposal: A residential development consisting of 48 apartments with a commercial unit at ground level.

**Item – Committee Decision
Application Number – 22/02740/FUL
Ward – B14 - Craigentinny/Duddingston**

Report Returning to Committee

This application was granted at the Development Management Sub-Committee on 11 January 2023 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

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, 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 NPF4 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 is on a brownfield site and will provide an intensification of uses on the site with a mix of residential use and a commercial retail unit. The new building will 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 in relation to historic environment.

The proposal will not detract from the special architectural and historic interest of the nearby listed buildings nor harm their setting and conforms with section 59 of 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 reasonable walking distance of facilities such as shops and public transport. The proposal includes the provision of one commercial unit for use as a hot food takeaway that will replace the existing use on site. It complies with the provisions of policies 15 and 16 in this regard.

The proposal includes 13 parking spaces including one disabled space and four electric vehicle charging spaces. The amount of parking has been revised downwards (from 20 spaces) during the application assessment period in order to provide an increased amount and quality of open space on site for residents. Two motorcycle parking spaces are also provided. Cycle parking on site provides a total of 110 spaces and includes a mix of storage types including 54 spaces in two-tier stands (49%), 34 sheffield stands (31%) and 22 spaces for non-standard cycles (20%). This complies with the requirements of the LDP and Edinburgh Design Guidance and 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 proposal will form a new four-storey frontage onto Willowbrae Road, which will create a strong defensible boundary and clearly define the street edge.

The choice of external materials and detailed architectural features of the building are appropriate to the site's townscape and reflect the character and qualities of the surrounding area. The proposal meet 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. The proposal will provide a range of landscape treatments which will support and encourage biodiversity on the site. An informative is included in the consent in relation to the provision of swift bricks within the development.

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 and will incorporate the use of an air source heating system. The applicant has undertaken the required Part A of the Council's S1 Sustainability Assessment and complies with the requirements.

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.

Other Material Considerations

There are no new material considerations arising from those previously considered on 11th January 2023 by this Committee. It is therefore recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Julie Ross, Planning Officer
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Development Management Sub-Committee

10.00am, Wednesday 21 June 2023

Protocol Note for Hearing

35 Jock's Lodge, Edinburgh, EH8 7AA – Student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage – application no. 23/00008/FUL

Report number	6.1
Wards	14 – Craigentinny/Duddingston

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

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

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

Committee Protocol for Hearings

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

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

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees Jock's Lodge Action Group Boxroom Investments Limited (Mr Gennaro Cortellessa of the Ball Room Sports Bar) Andy Currie Graeme Arnott, Director, Caledonian Heritable Ltd Samantha Robertson Shaukat Ali	10.40 - 10.45 10.50 - 10.55 11.00 - 11.05 11.10 - 11.15 11.20 - 11.25 11.30 - 11.35
3	Ward Councillors Councillor Danny Aston	11.40 - 11.45
4	Break	11.50 - 12.00
5	Applicant and Applicant's Agent <ul style="list-style-type: none"> • Colin Lavety (Stantec) • David Campbell (Alumno) • Paul Stallan (Stallan Brand) • Kenny Hunter (Artist) 	12.05 - 12.20
6	Debate and Decision on Application by Sub-Committee	12.25

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 21 June 2023

**Application for Planning Permission
35 Jock's Lodge, Edinburgh, EH8 7AA.**

Proposal: Student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage.

**Item – Committee Hearing
Application Number – 23/00008/FUL
Ward – B14 - Craigentinny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 1325 objections, six neutral comments and 565 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles.

The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will reflect the heritage value of the local area through a public art strategy and will improve the quality of public realm.

The proposed commercial use at ground floor area will provide an activated street frontage and the accommodation will increase the opportunity for natural surveillance of the surrounding streets.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents.

Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation on the site and create a positive setting for the building.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site measures 1,670 sqm and is located on the corner of London Road (Jock's Lodge) and Restalrig Road South (also known as Smokey Brae). The site is located at the junction of these roads and Willowbrae Road, which extends south eastwards from the site.

The site is currently occupied by a mix of built form, an access lane and an area of hardstanding. Existing buildings on the site are between one and two and a half storeys in height and are noted as follows;

15-23 Jock's Lodge - two and a half storey terraced property with commercial unit at ground floor level. (Chennai's Marina takeaway/ Limelite public house)
25 Jock's Lodge - single storey commercial unit accessed via lane
27 Jock's Lodge - single storey commercial unit (Sofa and Chair Repairs)
Storage building to rear of 27 Jock's Lodge
35 Jock's Lodge - single storey commercial unit, (The Willow Grill)
2 no. storage buildings to rear of 27 - 35 Jock's Lodge - single storey buildings

An access lane runs into the centre of the site from Jock's Lodge, providing vehicular and pedestrian access to a rear service/ parking area which is located behind the buildings, just beyond the site boundary.

The south and east boundaries of the site are defined by London Road and Smokey Brae respectively. There is an existing building currently in use as a sports bar which wraps around most of the north and west of the site, forming these boundaries.

The site sits in an elevated position above the land to the north and east of the site at the location of the former railway goods yard which is now occupied by St Margaret's House and Meadowbank House. As a result, Smokey Brae slopes down at the eastern site boundary from the intersection with London Road, with the site positioned in an elevated position above Smokey Brae. The level difference between the site and the land to the north is a drop of approximately seven metres.

Surrounding context

The site is located within the Jock's Lodge local centre, as identified in the Edinburgh Local Development Plan. The surrounding area has a dense urban pattern and a mixed use character.

To the south of the site sits a row of traditional four and five storey Victorian tenements facing onto London Road (Wolesley Terrace). This block has a mix of residential and retail/ commercial uses at ground floor level with residential flats located above.

To the east of the site is an area of mid-century tenement housing at Smokey Brae/ Piershill. These tenements are three and four storeys in height and are Category C listed as detailed below.

To the immediate west of the site there is a row of one and two storey buildings with some ground floor retail/commercial units and residential properties above.

Beyond this to the west, an eight-storey office development (Meadowbank House) is located at 153 London Road. A further nine-storey office building (St Margaret's House) is located adjacent to this at 151 London Road. The latter site has planning permission for the demolition of St Margaret's house and replacement with a mixed use development comprising three nine-storey blocks. These will accommodate 107 residential apartments (including 25% affordable housing) and student accommodation (377 bed spaces) with associated open space, landscaping and parking provision.

Willowbrae Parish Church is located diagonally opposite the site on the corner of London Road and Willowbrae Road. This building is category B listed as detailed below.

The area is located close to a wider area of significant redevelopment at the former Meadowbank Stadium which has planning permission for an extensive mixed use development. The most easterly part of the Meadowbank redevelopment area is approximately 100m to the north-west of the site, and the Sports Centre is located around five minutes' walk from the site.

London Road is a key arterial route for public transport connections running east to west across the city. There are bus stops located directly adjacent to the site which offer frequent bus services directly to the city centre and beyond.

There are a number of listed buildings within close proximity of the site. These are noted as follows;

- Willowbrae Parish Church and Hall - Category B listed (reference LB27166, listed 10.04.86)
- Nos 2-12 (even numbers) Restalrig Road South (Smokey Brae) 1-21 (odd numbers) Portobello Road, 1-16 (inclusive numbers) Piershill Square West and 1-14(inclusive numbers) Piershill Square West - group Category C listed (reference LB49047, listed 19.12.02).

Description of the Proposal

Scheme 2

Planning permission is sought for the demolition of existing buildings on site and erection of student accommodation including ground floor commercial space, communal amenity space, outdoor amenity space, associated landscaping, car parking (two spaces), access to the site and ancillary facilities.

Accommodation

The student accommodation provides 191 rooms in total. The accommodation comprises nine cluster flats, each containing five, six or seven bedrooms with shared kitchen/ lounge facilities (providing 53 bed spaces), 129 studio rooms and nine accessible studio rooms. Cluster bedrooms are approximately 13.4 sqm, with additional communal space, studio rooms are approximately 18.4 sqm to 24 sqm and accessible studio rooms are approximately 22.7 sqm.

Internal amenity space is provided including an informal study/ lounge area, gym and laundry room at ground level, and common rooms on levels four, five and six of the building. Ancillary space is provided at ground floor level providing a reception area, office and bin storage area, and at lower ground floor level providing a plant room and cycle parking.

A commercial unit (planning permission is sought for use classes 1, 2, 3 and 4) measuring 263 sqm will be provided at ground floor level which will be positioned at the western end of the London Road elevation.

Building design

The proposed building is broadly V-shaped in form, branching out from the junction corner to form two new frontages along London Road and Smokey Brae. The London Road elevation will extend to seven storeys in height, dropping down to six storeys at the western end of the elevation to accommodate a roof terrace. The Smokey Brae elevation steps down immediately to six storeys at the corner, with a further step down in height to five storeys above ground at the northern gable elevation, and a lower ground level which will be accommodated via the change in site level. A second roof terrace will be incorporated at fifth floor level on the Smokey Brae elevation.

At ground floor level the building layout has been informed by the retention of the access pend into the rear of the site which will be used as an area of outdoor amenity space for use by residents. The commercial unit will be situated to the west of the pend and is accessed via a separate entrance onto London Road.

The ground floor layout includes the main entrance and ancillary space, a student lounge, a gym, a laundry room and student accommodation. The building layout has been designed to allow the commercial unit, student lounge and main entrance to form an activated street frontage onto London Road.

The main entrance to the development will address the corner of London Road and Smokey Brae and will incorporate a ramped and stepped entrance. A dedicated access to the cycle parking area at lower ground level is provided onto Smokey Brae. Lifts are provided within the building providing accessibility for all.

Proposed materials include a mix of buff/ pale variegated facing brick, concrete cladding and banding, aluminium cladding and curtain walling. Windows and doors will be aluminium. Metal balustrades and fencing are also proposed. The specification of materials has not been agreed at this stage and would be approved via condition.

The proposal includes a mix of blue/ green sedum roof treatments which will provide SUDS for the development. A blue roof is proposed on the commercial unit which will provide attenuation draining to permeable paving below. The main building will utilise a green roof for treatment and discharge via downpipes for treatment/ attenuation.

Landscape design

Usable external amenity space is provided in a rear courtyard area (161 sqm) and in the form of two roof terraces at fifth and sixth floor level (38 sqm and 36 sqm) respectively. Direct access to the external courtyard will be provided via the ground floor of the building and via the access pend onto London Road. An area of private open space (36 sqm) for use by the commercial unit operator will also be provided.

The courtyard area will have a mixture of hard and soft landscaping treatment. The courtyard will incorporate two levels, connected by seating steps and benches. It is proposed that seven trees will be planted within the courtyard area. The lower courtyard area will be accessible via a ramp access.

The roof terraces will comprise a mix of hard and soft landscaping treatment. Solid balustrading will be provided which will give a level of protection from the elements. Shrub and wildflower planting is proposed for the roof terraces which will complement species provided elsewhere on site.

A new area of public realm will be provided at the main entrance to the building. This will incorporate raised planters, integrated seating and a location for public art alongside a stepped and ramped access into the building.

The building is positioned directly onto the pavement edge along the London Road frontage, and will be set in by around 0.5m from the pavement along the Smokey Brae frontage. A strip of hard landscaping treatment will be provided along the building edge and at the entrance into the cycle storage area which will provide some additional space for pedestrian movement along Smokey Brae. An area of soft planting will also be provided around the entrance to the cycle storage area/ fire exit onto Smokey Brae.

Access and parking

The principal pedestrian access to the building is provided on the corner of London Road and Smokey Brae as noted above.

Pedestrian and vehicular access is provided into the site from London Road, via the existing access road which will be incorporated as a pend access, to the internal courtyard area and the separate parking area which is located outwith the site boundary to the north. A further resident's access into the building will be provided on Smokey Brae. This will provide direct access to the cycle parking area at lower ground floor level, taking account for the change in level of Smokey Brae which slopes down from south to north.

The cycle parking provision will comprise 192 spaces which will be arranged as follows;

- 29 standard Sheffield stands which provides 58 single tier spaces.
- 19 custom Sheffield stands for non-standard bikes which provides 38 single tier spaces
- 48 two-tier storage spaces which provides 96 spaces in a two-tier format.

Five Sheffield stands will also be provided in the rear courtyard area for visitor cycle parking. Electric cycle charging infrastructure will be provided inside the internal cycle storage area.

The applicant has also expressed a commitment to provide ten fold up bikes which will be available free of charge for student rental.

Two car parking spaces are provided in the rear courtyard area of the site, accessed via the pend. These parking spaces will be limited for use for staff/ delivery and loading/unloading. One of the spaces will be fully accessible and will incorporate an EV charging point.

Sustainability

Sustainable energy generation is proposed at the development through the use of air source heat pumps for domestic hot water. Communal areas will have heat pumps for local heating and cooling. The building will be thermally modelled to show compliance and betterment of current Scottish Technical Building Standards section 6 in relation to achieving carbon reduction. A BREEAM pre-assessment has been undertaken for the proposed development which concludes that the proposed development should achieve an "excellent" rating once completed.

Scheme 1

During the assessment process the applicant has amended the proposed development scheme in response to feedback from officers and comments raised during the public consultation process.

The following changes were made to the revised scheme;

External changes to the building;

- A minor amendment has been made to the red line boundary along the site's northern edge, reducing the overall site area to 1,670 sq m.
- An increase in the building footprint, extending the north wing of the building to the north by an additional distance of 4m to the north.

- A reduction in height of the building by one storey along the Smokey Brae elevation and terrace height lowered by an additional storey height to increase the step down at roof level on the north wing of the building
- introduction of feature patterned brickwork to soften the massing at the corner junction.

Changes to the landscape/ public realm

- Amendments to the access/ landscape arrangements to the main entrance to increase the space available for public realm and provide seating and soft landscaping in the area
- Amendments to the configuration of the internal courtyard area

Internal changes to the building

- Internal changes to the layout of all upper floors to accommodate the amendments to the floorplan.
- Increase in the size of the cycle storage area at lower ground floor level to accommodate a varied mix of cycle storage options.
- Removal of the lower ground floor games room and relocation and reduction in the size of the amenity gym area to accommodate increased cycle parking provision to meet EDG cycle parking requirements.

Supporting Information

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Design and Statement Addendum
- Planning Statement;
- Planning Statement Addendum (NPF4 Update)
- Daylight and Sunlight Amenity Report
- Verified Assessment Views Report
- Transport Statement
- Drainage Strategy Report
- Study of Need
- Student Management Plan
- Noise Impact Assessment
- Mechanical Services Strategy Report
- Local Business Survey
- Higher Education Economic Report
- Heritage Statement
- Geo-environmental Investigation Report
- Ecological Appraisal
- Bat Survey
- Air Quality Impact Assessment
- S1 Sustainability form
- Sunlight Assessment addendum

Relevant Site History

20/05625/PAN

Corner Of London Road and Restalrig Road South

Jocks Lodge

Edinburgh

EH8 7AA

Proposed student accommodation including ground floor commercial space (class 1 shops, class 2 financial/professional & other service, class 3 food & drink, class 4 business) with associated facilities.

Pre-application Consultation approved.

6 January 2021

16/03424/FUL

35 Jock's Lodge

Edinburgh

EH8 7AA

Alter and refurbish interior of existing public house, alter front door to window, alter side window to door, fit covered decking inside garden area.

Granted

6 September 2016

00/02733/FUL

35 Jock's Lodge

Edinburgh

EH8 7AA

Erect new boundary wall and install 2 new windows on ground floor

Granted

4 October 2000

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Willowbrae and Northfield Community Council

Archaeology

Environmental Protection

Roads Authority

Flood prevention

Scottish Water

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 17 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023/20 January 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 1748

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 setting of any 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 Willowbrae Parish Church and Hall (Category B listed) and the group listed Nos 2-12 (even numbers) Restalrig Road South (Smokey Brae) 1-21 (odd numbers) Portobello Road, 1-16 (inclusive numbers) Piershill Square West and 1-14 (inclusive numbers) Piershill Square East (group Category C listed).

Willowbrae Parish Church and Hall is a cruciform Scots Gothic church, built from red Corsehill sandstone with a spired square-plan tower. The building's listing description notes that it occupies a prominent corner site on roads from Edinburgh to Portobello and the South.

The group listing of properties at Smokey Brae/Portobello Road and Piershill Square West/ East is an example of a local authority housing scheme designed by Ebenezer James MacRae. The development occupies a prominent position on Portobello Road and comprises three and four storey tenement blocks, and is considered to be a distinctive council housing development in Edinburgh.

Both the Willowbrae Parish Church building and the Piershill housing development are set back from the corner of the London Road/ Smokey Brae/ Willowbrae Road junction, and are positioned within a context of high density development in the form of the Victorian tenement block which occupies the north west corners of the junction.

The buildings currently situated on the proposed development site are of a significantly smaller scale than the built form on the other three corners of the London Road/ Willowbrae Road/ Smokey Brae junction, comprising a mix of one and half and two storey buildings. These buildings are set back from the street corner by an area of open space, currently used as outdoor space for the bar/ restaurant on site. The scale and massing of development on the site is therefore somewhat of an anomaly in comparison with the other corners of this junction, as each of the three other corners are defined by a strong built form with substantial massing and an attractive architectural appearance.

The proposed development will bring higher density/ built form to the fourth corner of the junction, which will undoubtedly change the character of this corner. However, the proposed building has been set back from the edge of the corner by a distance of six metres, and the junction itself is of a generous proportion. Both the listed Willowbrae Parish Church and the Piershill housing are also set back from the junction, which provides them with a clear sense of space, which will be partly replicated with the set - back placement of the proposed building on the corner at the west side of the junction.

The applicant has provided verified visualisations of the proposed development which show the proposed scale and massing in the context of the listed buildings. The key viewpoint towards the principal elevation of Willowbrae Parish Church's is from London Road looking south east down Portobello Road. The proposed development will be positioned on the north side of London Road. It is clear that the viewpoint looking towards Willowbrae Parish Church will change, however it is considered that the development will frame the views of the church as a set piece of architecture on this approach along with the existing tenements on London Road at Wolesley Terrace, and will not have a negative impact on the setting of the church in this regard.

With regards to the Piershill housing development, it is noted that these are set back from the Smokey Brae edge of the site by a distance of 27m. This distance currently accommodates Smokey Brae, a retaining wall and a further raised access road which serves the properties.

A visualisation has been provided from Smokey Brae looking south towards the site, which illustrates that the building line of the proposed development will not have an overbearing impact on the character of the street. Combining this with the relative distance between the site and the Piershill housing development, it is considered that the setting of the listed properties is not adversely impacted.

It is also noted that the design of the proposed building seeks to reflect some of the characteristics of the Piershill housing development. The chamfered frontage of the proposed building onto the junction echoes the frontage orientation shown on the corner of the Piershill housing development opposite. The proposal also has a regular window pattern and strong horizontal emphasis which reflects the characteristics of the listed tenements.

It is concluded therefore that the scale, proportion, positioning, form and design of the proposals would not detract from the setting of the listed building located close to the site.

Conclusion in relation to the setting of listed buildings

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.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 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 NPF 4.

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

- Sustainable Places policies 1, 2, 3, 4, 7, 9, 12, 13
- NPF4 Liveable Places Policies 14, 15, 16, 18, 19, 20, 22, 23
- NPF4 Productive Places policies 26, 27
- LDP Delivering the Strategy Policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8
- LDP Caring for the Environment policies Env 12, Env 16, Env 20, Env 21, Env 22
- LDP Housing and Community Facilities policies Hou 1, Hou 8
- LDP Transport policies Tra 2, Tra 3, Tra 4

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

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

Acceptability of the development in principle

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 intended to be considered in the round and applied together with the other policies in NPF 4. Its weight must be considered when considering the proposal in the context of the development plan and material considerations.

NPF4 Policy 16 part (c) supports development proposals for a range of housing types and provision that improves affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This includes the provision of purpose built homes for people undertaking further and higher education.

NPF4 Policy 14 aims to ensure that development proposals will be designed to improve the quality of an area regardless of scale. The site is within an urban area and is located within the Jock's Lodge local centre. There are a mix of commercial and residential uses on the site at present and in the surrounding area.

The proposal would contribute to local placemaking by increasing the density of development on the site, and providing a mix of uses which are compatible with the local centre character.

NPF4 Policy 9 aims 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. Given the need to conserve embodied energy, demolition is considered to be the least preferred option. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

The applicant notes that the existing buildings on site are not currently in good physical condition and are not considered to provide a viable long term opportunity to accommodate businesses by their respective landowners. If the buildings were to be retained for conversion to the proposed use, these would require a comprehensive refurbishment to reach modern occupation specification requirements, which would involve a considerable cost. This could not be justified without a significant increase in the rental values, which would render the ongoing reuse of commercial units unviable in this location.

In terms of embodied carbon, the proposed new build option is more efficient than the existing buildings. The applicant has submitted a sustainability form in support of the application. This sets out the sustainable measures proposed as part of the development. These measures are referred to in further detail later in the report, but in summary, the proposals are found to meet the required sustainability standards, and exceed the requirements in several areas.

The proposed development is therefore appropriate in terms of sustainability. It contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy efficient housing within an existing community. This will contribute to climate change mitigation in the short and long term.

On balance, redevelopment of the site complies with the overall policy objective to direct new development away from greenfield sites and support re-use of sites within the urban area, including brownfield, vacant and derelict land and empty buildings. The proposal complies with the intentions of NPF policy 9 in this regard.

Principle of student accommodation

LDP Policy Hou 1 part (d) prioritises the delivery of housing land supply within the urban area, providing proposals are compatible with other policies. The application site is not identified as a housing site in the LDP, and there is no obligation for housing to be considered as a use on windfall sites over other potential land uses. The principle of student accommodation as a land use on the site is therefore considered to be appropriate in the context of policy Hou 1, provided that other relevant policy criteria in the LDP can be met.

LDP Policy Hou 8 provides support for purpose built student accommodation development providing the following two criteria can be met. Part (a) of the policy requires that proposals must be in a location that is appropriate in terms of access to university and college facilities by sustainable transport measures, namely walking, cycling or public transport. Part (b) states that the development must not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

Location of student housing

In relation to policy Hou 8 part (a), the proposed site is around a 30 minute walk from the nearest university campus (Edinburgh University's Holyrood campus). Other university campuses at Napier University and the University of Edinburgh can also be accessed via local walking routes.

Cycle infrastructure in proximity to the site includes a combination of in-carriageway and segregated cycle lanes. The majority of university campuses are within a ten to 40 minute cycle from the site.

London Road and Willowbrae Road are key public transport corridors in the east of the city and have a number of high frequency bus services in operation. Lothian Buses routes 4,5, 26, 44, X26, X44 all operate from bus stops within 200m of the site and provide a frequent service with multiple buses per hour. Additional services are provided by East Coast Buses and Borders Buses on this route. The bus services on London Road provide regular connections to the main university campuses across the city.

Although the site is not within or immediately adjacent to a main campus the site is considered to be within a reasonably accessible location to access universities when collectively considering sustainable transport modes including walking, cycling and public transport options. It is considered to comply with Policy Hou 8 criterion a) in this regard.

Concentration of student population

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Council's Student Housing Guidance clarifies that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this. However, these data zones are tightly drawn, therefore considering them in isolation does not give an accurate reflection of the population demographic within the local area. The Council has typically used the data zone that the site falls into alongside surrounding data zones that fall within an 800m radius, an approximate 10-minute walk from the application site in order to assess the level of student concentration in the local area. Using this method considers a wider catchment and provides a more accurate representation of the local population.

In relation to recent appeal decisions, notably the Tynecastle High School appeal, Scottish Ministers have accepted as appropriate the methodology used by the Council to calculate concentration levels and establish locality when considering proposals for student accommodation.

It is noted that there has been growth in student housing provision in proximity of the application site in recent years. These include the following developments;

- 61-63 London Road - 198 student beds (now operational)
- 65 London Road - 65 student beds (consented, not yet built)
- 151 London Road - 377 student beds (consented, not yet built)

Using the 800m radius approach referred to above, the student population of the local area was 808 students in 2011, which equates to 7% of the total area population (12009).

The current adjusted student population projection (including recent completions, and existing consents) is 1459 students, which equates to 11% of the total population of the local area. The addition of this proposal being considered in this planning application would result in a further 191 students, totalling 1650 students in the local area. This equates to 12% of the total population of the local area.

The increase in student population in the local area as a result of this proposed development would therefore be an additional 1% only, beyond that already in situ and consented. This is a marginal increase from the existing position. The total number of students in the local area (12%) will remain substantially below the 50% threshold set out in the Council's Student Housing Guidance. This proportion would not lead to an over-concentrated student population in the area and satisfies part b) of the policy.

To conclude, the proposal complies with parts a) and b) of LDP policy Hou 8 and is acceptable in this regard.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. It provides a set of criteria against which proposals for purpose built student accommodation should be considered as follows;

Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site.

Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal site has a developable area below this threshold and is therefore supported by this part of the guidance.

Part c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below this threshold.

Part d) of the guidance states that student accommodation should comprise a mixture of accommodation types. The proposed development comprises a mix of nine cluster apartments with communal living areas (53 bedrooms), studio rooms (129 studios) and accessible studio rooms (nine studios). This mix meets the requirement of the guidance in this regard.

The guidance also notes that development should be designed to positively contribute to place through the provision of alternative ground floor uses where this is characteristic of the street. The proposal includes commercial space at ground floor level which will complement the local centre characteristics of Jock's Lodge and complies with this guidance.

The proposal complies with the Council's guidance for student housing.

Principle of commercial space

LDP Policy Ret 5 (Local Centres) supports proposals for retail development that can be satisfactorily integrated into the city, is compatible with the character and function of the area, is accessible, and would have a positive impact on the shopping environmental and appearance of the centre, whilst not detracting from the city centre retail core. Proposals for non-retail development in a local centre which would have a detrimental impact on the function of the local centre would not be permitted.

The proposed development includes provision for 263 sqm (use class 1,2,3 or 4) commercial space on the London Road frontage, which will replace three existing commercial units which are currently present on the site. The proposed commercial unit will occupy a significant section of the street frontage and will contribute to the vitality of the street frontage and the local centre function. The partial loss of commercial frontage along Jock's Lodge will be replaced by the student housing common room, which will provide an active frontage to the street. The student housing proposal is appropriate in terms of the local centre context and complies with the provisions of policy Ret 5.

Principle conclusion

The proposal is acceptable in principle with reference to NPF policies 9, 14 and 16 as well as LDP objectives set out in policies Hou1, Hou 8, Ret 5 and the Council's Student Housing Guidance. Further policy considerations are addressed below in relation to other policy themes.

Historic Assets and Places

NPF4 Policy 7 aims to protect and enhance historic environment assets and places. The application site is located in the setting of a listed buildings, and an assessment of the proposals in relation to these assets is provided in section (a) above. The applicant has also provided a heritage statement which considers the heritage value of the existing buildings on site.

The Jock's Lodge neighbourhood is recognised as a local landmark in Edinburgh's historic landscape. Some of the existing buildings on the site date from the 19th century, but it is noted that none of the buildings on the site are listed.

The city archaeologist has advised that the buildings are of local historic interest, due to the age of some structures on site, and the fact that these buildings formed the core of what is recognised as Jock's Lodge locally. Accordingly, it is their view that the complete demolition of the buildings as proposed would be regarded as having a significant archaeological and historic impact.

The applicant's heritage statement provides a breakdown of the buildings in relation to the extent to which these have been altered over time, and to which the original historic building fabric exists. This indicates that the buildings have been substantially altered over time, with modern additions added to the rear, however the frontage to London Road remains largely in the form of the original building form.

Notwithstanding this, the ongoing heritage value of the buildings on site is associated largely with the historic significance of the area within the city as a whole, rather than in any specific architectural value of the buildings themselves. The applicant has set out a commitment in their Heritage Statement to undertake comprehensive recording of the buildings and their history, and to provide onsite interpretation and public realm improvements that will reflect the site's heritage value. The proposals for the site include an area for a public art feature at the front of the building, which will reflect the historic nature of the site.

The city archaeologist has recommended that should planning permission be granted, a detailed historic building survey should be undertaken prior to and during any demolition and development works. This historic building work will also be combined with a phased programme of archaeological excavation work to fully excavate and record any significant remains which may be impacted upon by demolition and construction.

It is also recommended that the final scheme contains historic interpretation reflecting the dynamic and varied history of the site and a programme of public engagement. Should planning permission be granted, it is recommended that conditions are attached to the consent to this effect. On balance, it is considered that the proposed development is acceptable in this regard and complies with NPF Policy 7.

Design considerations

Context

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach in order to achieve the six qualities of successful places.

The site is located on the junction of Jock's Lodge (London Road) and Smokey Brae. Willowbrae Road extends southeast from the junction, diagonally opposite the site. There is currently a mix of building forms, character and density in the surrounding area, which creates a mixed urban environment, with varying architectural styles present.

The site has a somewhat isolated position amongst the denser built form that exists in the surrounding area and has seen little change to its urban grain and density since the 19th century. Development on the site is therefore of a smaller, and lower scale than its immediate context.

This is in part due to the existing site conditions, as the site is located in an elevated position above the Meadowbank House and St Margaret's House sites, which were built on lower ground previously in use as St Margaret's railway yard until around the 1960s.

The area surrounding the site, particularly to the west around Meadowbank House and St Margaret's House has seen changes in the urban form since the 19th century. The local area is currently subject to further change with the ongoing redevelopment of the Meadowbank stadium to the north and west of the site, and of St Margaret's House at 151 London Road, around 100m to the west of the site. The variation between the low density and character of the site within its existing built context will be further emphasised in the near future with the redevelopment of these nearby sites. This ongoing densification of development in the local area illustrates that the character of the local area is changing, and that there is an emerging pattern of further dense development which forms a strong street frontage onto London Road.

This form of development pattern is considered to be appropriate for an arterial route into the city such as London Road. In this context, the proposals for an intensification of development on the site is appropriate. The proposed V-shape of the building form helps to define the street corner and the increased scale and massing of the building reflects a similar scale to that which already exists or is planned for development in the near future.

Height and massing

LDP Policy Des 4 (Development Design - Impact on Setting) requires development to demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

The scale and massing of the scheme have been carefully considered through the planning process. At present, the scale and massing of the site is considerably lower in comparison to the surrounding area, which has a predominance of three to five storey traditional tenemental form along the southern edge of London Road and Smokey Brae, as well as the significant massing of the existing St Margaret's House and Meadowbank House to the west of the site which sit at nine storeys and eight storeys in height respectively. The proposed developments at Meadowbank and St Margaret's House will bring a further change to the overall sense of height and massing in the local area, and this has been considered in the context of the proposed building massing and height of the scheme.

Alongside analysis provided in the design and access statement, a series of key local viewpoints have been assessed and site visualisations prepared to assess the impact of the proposed development on local views.

The proposed development will be seven storeys in height from the corner junction along the majority of the London Road elevation, dropping down to six storeys at the western side of the building to accommodate the roof terrace. This elevation will be a maximum height of 55m AOD, dropping to 52.7m at the terraced area. The tenements opposite the site are 53.2m AOD. This elevation will therefore sit slightly higher than the existing tenements opposite in part, but will be broadly comparable to the existing building heights on the southern edge of London Road in terms of visual impact and setting within the wider townscape.

Along the Smokey Brae elevation, the building will be six storeys in height, stepping down to four storeys at the northern end of the building to accommodate the proposed roof terrace. This elevation will be a maximum 52.2m AOD in height, stepping down to 47m AOD at the roof terrace. It is noted that the category C listed tenements on the east side of Smokey Brae opposite the site reach a maximum height of 46.3m AOD. The building will therefore sit higher than the tenement properties directly opposite them on this elevation.

It is noted that the applicant has reduced the height of this elevation of the building by one storey along the entirety of the elevation, and by two storeys at the northern end of the building where the terrace will be located, compared to the Scheme 1 proposal that was originally submitted for assessment. In terms of the street context, it is noted that the existing tenements on the east side of Smokey Brae are relatively well set back at a distance of 27.3m from the site boundary. Whilst it is recognised that Smokey Brae has a more intimate sense of scale due to the drop in level, the actual distance between the proposed building and the opposite properties is relatively substantial. It is therefore considered that the proposed building height is acceptable along this elevation, and does not adversely impact on the setting of the listed properties, given the overall scale of development in the wider area.

With regards to massing, both the west and north legs of the building are designed with steps down in the roofline towards the gable ends of the building. This minimises the bulk of the building frontages and assists in integrating the new building into the surrounding built form.

The elevational treatment of the building provides horizontal articulation via the inclusion of banding across the elevations, which breaks up the principal frontages and provides definition to the building. The corner elevation has been amended as part of the changes introduced in Scheme 2 to include additional brick detailing at storey one and above, which adds visual interest to the frontage and defines the juncture between the east and north parts of the building.

On balance, it is recognised the proposals will introduce a building that has a height and massing that is greater than is currently present on the site. However, when considered in the context of the site within a dense urban area, and on a main thoroughfare into the city, it is considered that the proposal offers an acceptable scale and massing of development that can be accommodated on the site.

Density

With regards to proposed density of the development, the development proposal is for 191 student bedrooms on the site, which extends to 1,670 sq m. This equates to a density of 1,143 students per ha. There are a number of recently consented student housing developments in the local area, which have a range of student densities between 470 students per ha (65 London Road) and 1,100 students per ha (151 London Road). Across the city, there are examples of other student housing schemes with a comparable student density to that proposed in this application.

On balance, the proposed density of student housing provision on the site is noted to be high, but is not considered to be excessive given the site's location and context in a densely developed urban area when considered alongside other policy objectives in the development plan. It is noted that the local area also benefits from a good range of local amenities, which would be supported by an increase in student population numbers in the local area.

Landscape and Public realm

Policy Des 8 Public Realm and Landscape Design applies to all developments proposing new public space as part of the overall scheme. It seeks to ensure that features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole.

The landscaping scheme for the site include proposals for a rear courtyard area and two roof terraces for use by future residents, and an area of public realm on the corner elevation of the building around the main entrance.

The rear courtyard area will extend to an area of 161 sqm of usable open space. A further 74 sqm of open space will be provided in roof terraces. There is no requirement within the Student Housing Guidance to provide a specific amount of open space for student accommodation. However, the importance of good quality open space provision for these residents is recognised.

The rear courtyard will be a semi-private space, accessed via a new pend which will be formed at the existing road access point which leads into the rear of the site from London Road. The retained roadway which will run into the site through the pend will require to be used as access by other landowners, and therefore does not allow for private access, however the proposed layout seeks to define public and semi-private spaces through the landscape strategy.

The courtyard area will be formed at two levels, with a sunken area sitting at a slightly lower level than the access road, with seating steps and benches built into a stepped arrangement between the two levels. An access ramp will also be provided to allow access for all into the courtyard space. Two car parking spaces (including one accessible space) will be provided on the higher level adjacent to the access road.

The courtyard will comprise a mix of hard and soft landscaping areas. Seven new trees will be planted in the courtyard area which will be situated in planting beds rather than hard landscaping. Additional information is required from the applicant in relation to tree planting/ soil volume arrangements and a condition is added to this effect to ensure this matter is addressed fully.

Roof terraces will be accessible to residents. These will incorporate a range of biodiverse planting and will benefit from a level of solid balustrading which will give occupiers some level of protection. Seating will be provided to increase their amenity value for residents.

The proposals seek to improve the public realm around the corner junction of London Road/ Smokey Brae/ Willowbrae Road, and have been refined through the application assessment process in order to provide a landscape response which will provide a usable, accessible and safe pedestrian environment.

It is noted that there is an ongoing Council led project exploring improvements to the pedestrian and vehicle environment on Smokey Brae. The draft proposals include widening the pedestrian carriageway on the west side of Smokey Brae which aligns with the proposals set out in this application.

The proposed building will form a chamfered edge facing onto the street corner. The building frontage and main entrance to the residence will be positioned around 6m back from the edge of the pavement. This additional space will be filled partly with a landscaped area including planting and an arrangement of steps and ramped access to the main entrance, and an area of landscaped public realm which will provide additional space around the pedestrian crossing and provide an improved environment for pedestrians. An additional depth of approximately three metres depth of pavement space will be provided at the corner of the junction, which will increase the space available to pedestrians, and improve safety and ease of movement in this area.

A public art feature will also be provided at the main entrance to the building which will be designed to reflect the heritage of the Jock's Lodge site.

It is considered that the proposed design of the courtyard space, roof terraces and public realm comply with the provisions of NPF4 policy 7 and LDP policy Des 8 and are acceptable.

Materials and detailing

Materials and boundary treatments for the proposal show a clear design concept for the building. The development proposes a neutral palette of materials, with the predominant materials being a mix of buff/ pale variegated facing brick, concrete cladding panelling concrete horizontal banding details. Windows and doors will be an alu-clad composite window system. The specification of materials is not set out at this stage and would be agreed via condition.

The surrounding area has a mix of materials present including blonde and red sandstone in the nearby Victorian era buildings, rubble/ ashlar construction in the inter-war housing development at Piershill Place and buildings rendered in a mix of neutral-toned colours (light and dark) currently on the site at present. The existing developments at Meadowbank House and St Margaret's House are predominantly brick in character, and the approved new development blocks at St Margaret's House will comprise a mix of pale variegated brick finishes.

The fenestration patterns along the London Road and Smokey Brae elevations follow a strong regular pattern which reflects the traditional frontages of the adjacent tenement properties. The ground floor elevations of the building will have a good extent of glazing throughout which helps to define this space from upper floors and provide opportunities to activate the street frontage and allow for natural surveillance of the streets.

The proposed area of public art detailing on the front elevation will provide interest to this elevation at ground floor level and will help to define the main entrance of the building. The addition of brick detailing on the upper floors of the front elevation facing onto the junction helps to break up the massing and defines the break between the massing of the front entrance elevation and the north wing of the building.

The proposed mix of materials is considered to be appropriate to the mixed character of the local area, subject to agreement of specification by way of a condition attached to the planning consent.

The proposal introduces a considered and distinctive proposal that accords with NPF 4 policy 14 and LDP policies Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design), and Des 11.

Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 Policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

Drainage

Policy Env 21 of the LDP seeks to ensure that development does not result in an increased flood risk for sites or surrounding areas. The applicant has provided information noting that the site is currently 82% hardstanding including roofs and hard surfaced areas. A SUDs scheme is proposed for the site which will use a green and blue roof system to provide attenuation and drainage via downpipes to permeable paving below.

The proposed surface water discharge rates will give a 92% betterment to the site from the existing situation. Attenuation will be provided to account for a worst case storm of 1 in 200 years plus 39% climate change allowance.

The operation and maintenance of the SUDs features will be the responsibility of the operator and recommended maintenance schedules are provided which will require to be complied with.

The proposed development complies with the Council's policy and guidance in relation to sustainable surface water management and is acceptable in this regard.

Biodiversity

LDP policy Env 16 (Species Protection) seeks to prevent development from being carried out where it would have an adverse impact on protected species. A supporting ecology and bat survey (including an updated bat survey dated May 2023) has been submitted and confirms no protected species are present at the application site. There is potential for nesting birds to be present on the site therefore development activity requiring the removal of any existing habitat should avoid the nesting birds season to ensure that these are suitably protected. An informative should be added to the planning permission to this effect.

The habitat study notes that there is no semi-natural habitat present on the site and the only existing vegetated area is a small area of garden planting in the SE of the site. The proposed landscape and drainage strategy will provide opportunities for new habitat creation with potential to accommodate a range of species.

The applicant proposes to provide a new internal courtyard area and two roof terraces which will contain a mix of hard and soft landscape. The soft landscaping strategy includes a mix of shrub and wildflower planting across the site which will attract pollinator species. The proposal also includes provision for both green and blue roof treatment which will include sedum planting, providing further habitat opportunities.

There are no trees located within the site at present and the closest trees are beyond 12m from the site boundary therefore a tree survey is not required. The proposed development will provide seven new trees on the site, which will be located in the rear courtyard area.

It is recommended that the development incorporate swift bricks into the scheme. An informative is provided to this effect.

The development complies with the requirements of the development plan in this regard.

Energy and sustainability

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale.

The proposal meets the essential criteria of the council's S1 sustainability form. A BREEAM pre-assessment has also been undertaken for the site which indicates that the site should achieve an 'excellent' BREEAM score on completion. The proposal includes the provision of air source heat pumps, a SUDs strategy including green/ blue roofs and other features such as non-PVC window fittings, measures to reduce water use and the use of sustainable construction materials.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with refuse stores at the rear courtyard to accommodate general and recyclable waste, for which a full range of recyclable waste storage will be provided. The applicant has confirmed that waste collection would be privately managed for the development. The Council's waste officer has noted that a waste agreement is not necessary in this case, on the basis that the developer will maintain responsibility for the collection of waste in the future. An informative is added to the consent which notes this position accordingly.

NPF policy 12 lends further support to development proposals where they re-use buildings and infrastructure, minimise demolition and salvage materials for re-use, minimise waste, use materials with low embodied emissions, and use materials that are suitable for re-use. The supporting sustainability for this proposal notes that despite demolition on site, the construction of new buildings will include at least 10% of materials from recycled sources and all timber will be sourced from sustainable and local sources. The proposal is consistent with the waste hierarchy and complies with NPF policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

Transport

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. With reference to vehicles, the proposal includes two car parking spaces, one of which will be fully accessible and accommodate electric vehicle charging points. No other car parking is proposed. The parking spaces will be limited for use for staff, delivery and loading and unloading, therefore the development is essentially a car free design. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys.

The development will provide 100% cycle parking provision comprising 192 cycle spaces. The location, design and variety of bicycles that can be accommodated comply with the Council's parking standards and cycle parking fact sheet C7. Guidance requires that no more than 80% of cycle parking spaces should be one type. The cycle parking provision has been amended through the assessment of the application, and the proposed layout has been changed from provision including a 100% two-tier storage solution to a mix of two tier stands and Sheffield stands. The revised scheme includes 44 two tier stands providing 88 spaces (46%), and 34 single tier racks providing 68 spaces (35%), and 18 non-standard single tier racks providing 36 spaces (19%). Five Sheffield cycle stands will also be provided in the rear courtyard area. This provides the required quantum and mix of cycle parking for the development.

The applicant will also provide an additional ten folding bikes which will be available for hire to student residents free of charge.

The proposed cycle storage will be secure and easily accessible to students, with access to/from Smokey Brae to allow access to the road and path network in the city.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal is aligned with the objectives of the City Mobility Plan which seeks to encourage sustainable transport options due to its proximity to public transport connections and local services and provision of a satisfactory level of cycle parking. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living.

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

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

Open space

For future residents, the proposal provides usable outdoor amenity space in the form of a rear courtyard area and two roof terraces. The rear courtyard area will provide 225 sq m of open space which equates to 13% of the overall site area. The roof terraces will provide a further area of 74 sq m of open space. These areas will include a mix of hard and soft landscaping treatments that will provide a range of amenity opportunities for residents. An area of private open space (36 sqm) for use by the commercial unit operator will also be provided.

There is no specific requirement for a minimum provision of open space for student developments in the Edinburgh Design Guidance. It is noted that the site is located within 400m (around five minutes' walk) from high quality open space at Holyrood Park, which provides additional outdoor amenity space available to future residents. On balance, the provision of amenity open space within the site is considered to be acceptable given the relatively dense grain of built form in the wider area, and its proximity to surrounding open space assets.

Indoor amenity space

The Edinburgh Student Housing Guidance notes that student accommodation is a primary place of residence and should therefore provide adequate amenity to contribute to healthy and sustainable lifestyles. The proposal includes provision for indoor communal facilities including a lounge/ study room, gym area and laundry area at ground floor level, as well as three communal areas on the upper floors of the building.

The proposal provides an appropriate mix of studio, accessible studio and cluster apartment accommodation which offers a sufficient level of choice to future occupiers. There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes are in line with other student accommodation developments in the city. The proposed amenity spaces provided within the development are acceptable.

Daylight to existing properties

The applicant has undertaken an assessment on the impact of the development on daylight to existing properties using the vertical sky component (VSC) and average daylight factor (ADF) approaches recommended in the Edinburgh Design Guidance (EDG). A total of 101 neighbouring windows have been assessed. The assessment concludes that 36 of the windows fall short of the VSC targets set out in the EDG.

The EDG recognises that in dense urban environments, it may be necessary to further interrogate daylight levels, by utilising a further ADF assessment. This has been undertaken in this case, and demonstrates that four rooms would fall short of EDG target in this regard. Of these four rooms, three are bedrooms which the EDG recognises as 'less important' in relation to daylight saving. The remaining room affected is a lounge.

Therefore, in summary, only one ground floor main room is affected to an extent which falls below the EDG assessment threshold in relation to loss of daylight. This room would have its daylight reduced by 0.3% df (daylight factor), which would mean the ratio of light level inside the building would be reduced by an additional 0.3% compared to the light level outwith the building. The daylight report notes that this level of daylight reduction is noticeable to a computer programme, but would be unlikely to be perceptible to an occupant of the room.

On balance, it is noted therefore that the proposed development largely complies with the requirements of the EDG in relation to daylight to existing properties.

Daylight to new properties

For future residents, a daylight assessment has been provided using the no-skyline approach (NSL) which includes 204 rooms within the proposed development, comprising 191 student bedrooms/ studios and 13 communal areas. Of the 204 rooms, 200 (98%) would achieve the required standard set out in the EDG, with at least half the overall room areas receiving direct skylight. The remaining four rooms are located in the corner of the inward facing elevations. The assessment has found that these rooms would be capable of receiving between 33% and 46% direct skylight. This represents a minor shortfall in the requirements of the EDG.

As a result, the applicant has also calculated the ADF to these four rooms, which indicates that they will meet the threshold set out in the EDG in this regard. On this basis, it is noted that the level of daylight penetrating the development can reasonably meet the requirements of the EDG and is acceptable.

Sunlight to existing open space

The applicant has provided an overshadowing assessment of the surrounding properties, using an hour by hour assessment approach on the spring equinox (March 21st). The assessment demonstrates that a small number of properties at Restalrig Road South and Portobello Road will be affected in relation to sunlight to front gardens.

Currently, the front gardens of these properties receive sunlight between 8am and 4pm on the 21st March. The proposed development will reduce this period of sunlight to by around two hours on the 21st March. On balance, this reduction is not considered to be overly adverse given the relatively dense nature of the urban environment and is acceptable.

Sunlight to proposed open space

The Edinburgh Design Guidance states that for open space in new developments, half the area of open space provided should be capable of receiving potential sunlight for more than two hours during the spring equinox (March 21st). A sunlight assessment of the proposed development was undertaken and this illustrates that the rear courtyard area will not receive any direct sunlight on that date. The proposed development therefore fails to meet the guidance in this regard.

It is recognised that in order to provide a development form that positively addresses the street frontage and provides a relatively private area of open space for future residents, the orientation of the open space within the site will be north facing. This orientation naturally results in a more compromised position in relation to sunlight.

Further information was provided which demonstrates that the built form on site would need to be reduced to a single storey in height in order to achieve the recommended two hours of sunlight on the spring equinox on the site using the proposed building form. It is not considered that a single storey development would be appropriate in scale or density in order to provide a positive contribution to the overall townscape.

The supporting sunlight study explores the extent of sunlight that will reach amenity areas on 21st June. This demonstrates that the 44% of the open space on site would receive at least two hours of sunlight on that date. This assessment approach is outwith the recommendations of the EDG, however this information provided demonstrates that the proposed open space is capable of achieving some sunlight during the peak summer period.

The analysis provided demonstrates that the amount of open space capable of receiving sunlight on the site would be significantly restricted, even at a considerably lower built density. On this basis, it is recognised that it would be very difficult and would require a significant compromises in terms of built form in order to achieve the sunlight standards. The failure to meet sunlight amenity standards is therefore considered to be acceptable in this instance, given the significant constraints of the site.

Noise

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. The applicant has undertaken a noise impact assessment (NIA) which considered the noise implications of the development both on surrounding and proposed noise sensitive properties.

Environmental Protection has reviewed the NIA submitted by the applicant and has raised concerns in relation to the proposed scheme. The NIA notes that noise from the plant room at lower ground floor and roof plant (four air source heat pumps and five condenser units) will require to be mitigated in order to minimise any potential impact on new residents within the development. The source noise levels for this cannot be confirmed at this stage and therefore a condition is recommended to ensure the above noise sources alongside potential cooking ventilation system noise is fully considered with an updated NIA at a later stage.

The NIA also considers the impact of commercial noise from existing and proposed uses on site. A snooker hall is adjacent to the application site and the NIA considers noise breakout that may occur from events at the venue. The NIA report recommends upgraded glazing with mechanical ventilation to suitably mitigate the noise. This 'closed window' approach is not supported by Environmental Protection, but is recognised that this approach has previously been accepted in densely populated areas of the city.

The application includes a ground floor commercial unit which the NIA describes as a Class 3 café. The NIA recommends floor and wall mitigation measures to ensure that noise will be inaudible within the properties above. A condition is recommended below to ensure that that matter is addressed to protect the amenity of new residents.

Road traffic noise has been considered within the NIA and an upgraded glazing and ventilation specification recommended to ensure that internal noise levels will be within acceptable limits. A condition is recommended below to that effect.

On balance, it is considered that the proposed noise mitigation measures set out in the NIA are acceptable on the basis that the conditions noted are attached to any planning consent.

Air Quality

This part of London Road is positioned at the eastern edge of the Central Air Quality Management Area (CAQMA). Therefore, an Air Quality Impact Assessment (AQIA) has been submitted in support of the application.

The proposed development includes two parking spaces which will be used in a limited manner for staff, delivery and loading/ unloading. The AQIA advises that the development will have a negligible impact upon local air quality during both the construction (road traffic) and operational phase, and the resulting effects are therefore predicted to be not significant.

A further air quality addendum was submitted by the applicant which considers the impact of the development and potential for a street canyon being formed. This considers the effect of a street canyon, where there is potential for existing air quality issues to be exacerbated, by reducing the ability of the street to dissipate traffic pollutants.

In relation to the risk of a canyon effect being created on London Road, the air quality assessment concludes that;

- The predicted mean concentrations of key pollutants (NO₂, PM₁₀ and PM_{2.5}) are all below the relevant air quality standards (AQS) at proposed receptors corresponding to future residential accommodation units;

- The predicted one-hour mean concentrations of NO₂ are below the relevant AQSs at all receptors corresponding to future commercial/non-residential space and residential accommodation units; and
- The predicted 24-hour mean concentrations of PM₁₀ are below the relevant AQSs at all receptors corresponding to future commercial/non-residential space and residential accommodation units.

The air quality modelling undertaken for London Road indicates that the predicted concentrations on the south side of the street has the potential to improve air quality.

The AQIA notes that there will be predicted exceedances of the annual mean objectives to occur at two modelled air quality receptors at street level at the proposed development façade on the north side of the street that will be the closest to London Road. These exceedances are predicted to be within air quality standards. Environmental Protection has however noted that whilst indicative pollution levels may be within air quality standards (maximum levels), that does not mean that air quality impacts are not being exacerbated due to the proposal and so has the potential to impact upon the health of people who live in the proposed residences.

As noted, the two air quality receptors that are predicted to be exceeded are located at ground floor level of the proposed building. As there are no residential uses proposed at ground floor level on the London Road elevation, the AQIA report advises that the air quality objectives do not apply because they are at ground floor commercial level and therefore higher levels are permitted. Environmental Protection does not support this position, however it is noted that development proposals have been accepted elsewhere across the city where a similar situation has been established.

On balance, it is considered that in order to ensure any exceedances of the annual mean air quality objectives do not impact adversely on new residents then it necessary to ensure that residential development takes places at first floor level and above only. This is currently proposed as part of the scheme, however it is recommended that a condition be attached to the consent to ensure that ground floor use of the building is retained for non-residential purposes only.

Ventilation

Cooking ventilation details and a drawing for the proposed commercial unit were provided which demonstrate that cooking effluvia will be vented to 1 metre above roof level and otherwise complies with the requirements in this regard.

The adjacent snooker hall includes a cooking ventilation extract point which Environmental Protection has identified as having the potential to impact upon the proposed residents by way of odour. However, given this urban environment, a level of odour can be expected from surrounding uses, and in this instance it will not adversely impact on the future residents.

Amenity - conclusion

In respect of amenity the proposal provides an acceptable standard in the context of LDP policy Des 5, NPF 4 policy aspirations for liveable places and health and safety, and the Edinburgh Design Guidance.

Ground conditions

Due to the previously developed nature of the site, a condition is attached 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.

Infrastructure first

Health services

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. The proposal is not located in a contribution zone for health care as shown in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). There is no necessity to apply a planning contribution for this proposal in the context of NPF 4 policy 18. LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

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 in relation to the assessment of the proposed development and in the context of comments received from the public.

The development plan recognises the need for housing of a variety of types to be provided across the city. This includes the provision of purpose built student accommodation as part of this mix. The assessment set out in section (b) above demonstrates that this site provides an acceptable location in principle for student housing as part of the wider mix of accommodation on offer in this location. The provision of student housing is therefore considered to be a compatible housing type and does not result in any negative impacts in relation to equalities.

The proposal has been considered in relation to accessibility. The development provides nine accessible rooms and there are internal lifts to access all floors. Whilst the development has been designed to be predominantly car-free, two parking spaces (one accessible space) have been provided.

Due to the compact nature of the site parking provision is located to the rear of the main building, with ramped access provided from the parking area connecting into the courtyard area and the rear entrance to the building's main lobby area. The proposal is considered to have no negative impacts in relation to the accessibility of the building or surrounding streets.

The development will provide natural surveillance opportunities of adjacent streets and will increase the quantum of residential accommodation in the local area. The proposed use provides an opportunity to improve street safety.

The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (b) above. No concerns relating to equalities have been raised in this regard.

Public representations

This application has received a significant level of public interest.

It is noted that a number of the addresses provided in the public comments are related to both objection and support comments. There is therefore a level of uncertainty to the validity of a number of these comments, however the material matters raised within submissions have been considered as part of the assessment process in order to ensure that all material comments are given due regard.

A summary is provided as follows;

Scheme 1

One thousand, six hundred and thirty four comments were received for Scheme 1. Representations included the following;

- Objection comments: 1097
- Neutral comments: 4
- Support Comments: 533

It is noted that 249 support comments received for Scheme 1 did not contain any material content and/ or valid names and addresses. The submission of these comments is noted, but there is no material weight given to them.

Scheme 2

Two hundred and sixty three comments were received for Scheme 2. Representations included the following;

- Objection comments: 228
- Neutral comments: 2
- Support Comments: 32

Scheme 1 - Comments

Scheme 1 - material objections

The comments noted below are addressed in the assessment sections (a,) (b) and (c) above.

- Principle of student accommodation is unacceptable in this location;
- Principle of loss/ change of local retail/ leisure provision is unacceptable; Contrary to the Local Development Plan;
- The development is contrary to the City Mobility Plan;
- The development will only serve new residents, not the wider community;
- Inaccuracies in information provided by the applicant;
- Redevelopment of the site should form part of a wider masterplan area;
- The proposed development does not provide any benefits for local families;
- The density of student numbers proposed for the site is excessive;
- Design matters - concerns in relation to; scale, height, massing, overdevelopment, co-ordinated development, contemporary materials, detailing, roofscape, location of open space, landscaping, fit with urban grain, visual impact, public realm provision, safety on terraces and surrounding streets.
- Impact of the development on the setting of surrounding streets;
- Impact of the development on the setting of listed buildings;
- Impact on amenity of local residents (daylight, sunlight, noise, air quality, privacy, mental health, littering);
- The development will lead to a canyon effect on surrounding streets;
- Impact on the demand for community amenity facilities (eg. doctors, dentists);
- Insufficient amenity provided for new residents (open space, provision of adequate amenity space within the development);
- The development will impact negatively on women's safety in the surrounding neighbourhood;
- The proposal will decrease biodiversity in the local area;
- The development should achieve better sustainability standards;
- Demolition on site will have a negative environmental impact;
- Gas boilers will contribute to climate change;
- Disabled access to the building is insufficient;
- There is a lack of disabled parking provision;
- Transport concerns (road safety, pedestrian safety, impact on local road network, impact of zero car parking on surrounding streets, access considerations for surrounding businesses, loading/servicing arrangements, student drop off/ pick up arrangements, impact of new residents on local public transport network capacity, accuracy of Transport Assessment);
- Cycling concerns (lack of proximity to dedicated cycle routes);
- Heritage concerns (impact of the proposal on local heritage, accuracy/ detail of heritage assessment);
- Structural stability of the site to accommodate future development;
- Student housing is difficult to convert into mainstream housing in future;
- Insufficient community engagement undertaken by the applicant;
- Land ownership query in relation to site boundary;
- Agent of change principle in relation to adjacent business use;

Scheme 1 - non-material objections

- Development does not comply with policy Ret 9 (this policy is not relevant to the application);
- Disruption from construction period on local transport network;
- Loss of local pub business on site - not a change of use application, therefore not material;
- Behaviour from students - this is outwith the control of Planning;
- Loss of view - not a material consideration;
- Impact of development on local property values;
- Development would increase crime in the local area - not substantiated;
- Non-compliant with proposed City Plan 2030 - Plan at examination stage and little weight can be attached;
- Increased fear of crime- overspilled car parking will increase risk of confrontation between inconsiderate parkers and residents - Planning does not control how and where individuals park their cars or the reactive behaviours of individuals;
- There is no requirement for students to register with the university health services - Planning does not control or enforce the choice of where individuals register for access to health services;
- Housing crisis - Development is not in line with the city's long term housing requirements/area in need of affordable housing all year round - While a material issue, this is not within the scope of the application to resolve;
- The proposed PBSA does not provide sustainable long-term housing to meet the city's housing needs due to the difficulties in converting PBSA into standard residential housing - The proposed development is for a PBSA and planning cannot control fluctuations in the market that may result in the building being vacant and faced with potential demolition at a future date;
- Contrary to LDP policy Env 18 Open space Protection - This is not applicable to the assessment of the proposal;
- Impact on property values;
- Increase littering;
- Fire alarms are a regular occurrence with PBSA;
- Actions of the developer (Alumno Group) fraudulent support buy-ins/no discussion with The Willow's management team - not substantiated;
- No mention of restricting the hours of use of the terrace are made in the management plan - this would not meet the tests for an effective planning condition;
- Recent new builds have resulted drainage issues, needing much work (Lochend Park) Not within the scope of the application to resolve;
- PBSA are exempted from certain aspects of private rental laws, which can be detrimental and predatory towards newcoming students;
- Reference to Development Management Committee held in February 2021, Members requested that the option for other uses of the site are explored - The application is assessed as submitted.

Scheme 1 - material support comments

- Support for student accommodation (meeting demand locally and for the wider city, purpose built accommodation, suitable location, sustainable transport links, students will support the local community);

- Good design (building scale, footprint, detailing, appearance, materials, compatibility of design with the setting of the surrounding area, location at key junction is positive);
- The proposal will provide a high level of accommodation, service and amenity for future residents;
- Contribute to creating a 20 minute neighbourhood;
- Regenerate the site;
- Replace existing buildings on site which are unattractive;
- Provide local employment opportunities;
- Support for provision of new business premises;
- Not adversely impact on local amenities;
- Accessible for disabled residents;
- The development will enable private rented accommodation to return to mainstream housing market;
- Open space provision on site is welcomed;
- Cycle parking provision is welcomed;
- The development will improve the safety of the local area.

Scheme 2 - Comments

The comments noted below are addressed in the assessment sections (a,) (b) and (c) above.

Scheme 2 - material objections

- Resubmission of comments as noted for Scheme 1 above;
- The proposed amendments do not address the previous concerns;
- The increase of building footprint of the north wing will impact negatively on the surrounding area;
- The number of student bedrooms proposed have not been reduced;
- Visualisations do not provide an accurate representation of the proposed scale;
- Changes to proposed landscaping treatment are minor and not beneficial to the scheme;
- Impact on human rights/ privacy of existing residents;
- The scheme does not address the need to consider embodied carbon in the existing buildings on site.

Scheme 2 - non-material objections

- Transport disruption during construction period;
- Loss of views;
- It is noted that around 30 objection comments received for scheme 2 are noted as non-material due to duplication.

Scheme 2 - other comments

- Questioning validity of some comments lodged in support of the application for Scheme 1 and Scheme 2, including the use of objector's details to submit comments.

Scheme 2 - material support comments

- Support for student accommodation (meeting demand locally and for the wider city, purpose built accommodation, suitable location, sustainable transport links, students will support the local community);
- The development incorporates sustainability measures;
- The proposal will provide local employment opportunities;
- The development will support existing businesses;
- The development could lead to economic growth in the area.

Conculsion in relation to material considerations

There are no equalities or human rights issues and the material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Conclusion

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles.

The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will reflect the heritage value of the local area through a public art strategy and will improve the quality of public realm.

The proposed commercial use at ground floor area will provide an activated street frontage and the accommodation will increase the opportunity for natural surveillance of the surrounding streets. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents.

Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation on the site and create a positive setting for the building.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.

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

3. The noise mitigation measures as specified within RMP noise impact assessment no. R-9091-GH2-RGM and dated 2/5/2023 shall be installed and operational prior to occupation of the development.
4. Once the specification of all mechanical and ventilation plant has been determined, a further Noise Impact Assessment (NIA) shall be provided that demonstrates that acceptable mitigation measures have been provided and that the cumulative noise levels from all plant will be within acceptable noise levels that are agreed in writing with the Head of Planning.
5. The ventilation details as shown in drawing no. 6335-50-05 Rev A and dated April 2023 should be installed and operational prior to start of operations on site.
6. The ground floor commercial premises is restricted to Use classes 1, 2, 3 or 4 only.
7. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

8. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials, walls and boundary treatments, shall be submitted to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
9. A full planting schedule including details of tree planting/ proposed soil volumes and landscape maintenance schedule shall be provided. The approved landscaping scheme including boundary treatments, as shown in planning drawing references 04B, 05A, 25A and 26A shall be implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the health of the building's occupants.
3. In order to protect the amenity of the existing neighbours and future occupiers of the development.
4. In order to protect the amenity of the existing neighbours and future occupiers of the development.
5. In order to protect the amenity of the existing neighbours and future occupiers of the development.
6. In order to protect the amenity of the existing neighbours and future occupiers of the development.
7. In order to safeguard the interests of archaeological heritage.
8. In order to enable the planning authority to consider these matters in detail.
9. In order to ensure that the approved landscaping works are properly established on site.

Informatives

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. Waste arrangements for the development will be undertaken by a private contractor. The proposed arrangements do not comply with CEC waste services and therefore could not be considered for CEC collection in the future.
4. The 2 parking spaces as shown on drawing 04B shall be served by at least a 13-amp 3Kw (external three pinplug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
5. The applicant shall provide swift bricks in the development. Details of their proposed location should be submitted to the authority for approval.
6. The removal of any existing habitat should avoid the nesting birds season to ensure that these are suitably protected.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 January 2023

Drawing Numbers/Scheme

1A,2,3,4B,5A,6B,7B,8A,9A,10A,11A,12A,13A,14A,15A,16B,17A,18A19A,20A,21A,22A,23A,24A,25A,26A

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Julie Ross, Planning Officer
E-mail: julie.ross@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Willowbrae and Northfield Community Council

COMMENT: Neutral comment but issues raised in relation to building height, massing, loss of local businesses and community interest.

DATE: 18 May 2023

NAME: Archaeology

COMMENT: Issues raised in relation to loss of local historic asset as detailed in full response. Condition provided.

DATE: 9 May 2023

NAME: Environmental Protection

COMMENT: Concern raised in relation to matters detailed in report (noise/ air quality). Conditions provided.

DATE: 11 May 2023

NAME: Roads Authority

COMMENT: Roads Authority - no objection to the proposal subject to details in full comment.

DATE: 7 March 2023

NAME: Flood prevention

COMMENT: No objection to the proposal subject to details in full comment.

DATE: 23 March 2023

NAME: Scottish Water

COMMENT: No objection subject to information in full comment.

DATE: 11 January 2023

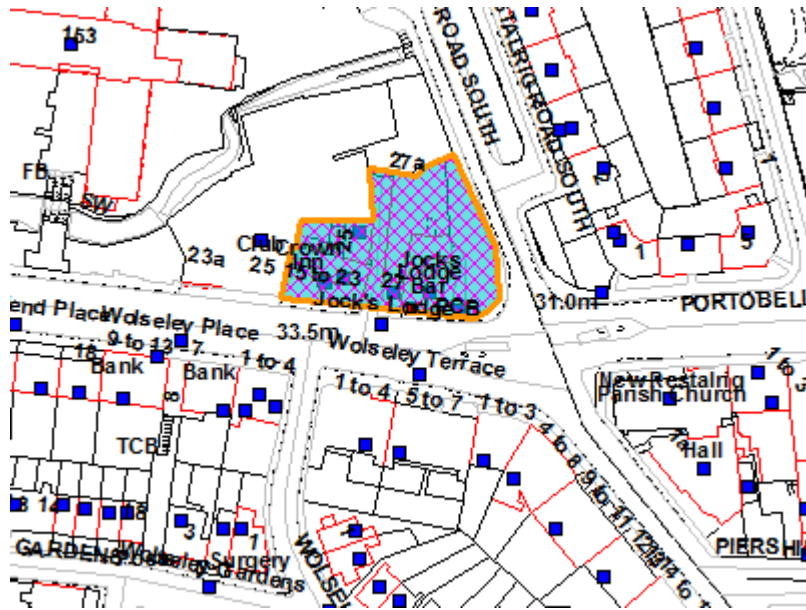
NAME: Flood Prevention

COMMENT: No objection to the proposal subject to details in full comment.

DATE: 11 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

2.00pm, Wednesday 21 June 2023

Protocol Note for Hearing

**124 Salamander Street, 1 - 3 Salamander Yards, South Leith,
Edinburgh – 5 - 6 storey building providing 99 residential apartments
with associated access, parking & landscape (as amended) –
application no. 22/03430/FUL**

Report number	6.3
Wards	13 - Leith

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

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

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

Committee Protocol for Hearings

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

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

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	14.10 - 14.30
2	Representors or Consultees n/a	
3	Ward Councillors Councillor Katrina Faccenda	14.35 - 14.40
4	Applicant and Applicant's Agent 7N Architects (Craig Tait)	14.45 - 15.00
5	Debate and Decision on Application by Sub-Committee	15.05

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

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Development Management Sub-Committee Report

Wednesday 21 June 2023

Application for Planning Permission

**124 Salamander Street, 1 - 3 Salamander Yards, South Leith,
Edinburgh.**

**Proposal: The proposals comprise a 5 - 6 storey building providing
99 residential apartments with associated access, parking &
landscape (as amended).**

Item – Committee Hearing

Application Number – 22/03430/FUL

Ward – A13 - Leith (Pre May 2017)

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as it falls under the definition of a National Development under NPF4 as a major application within Edinburgh Waterfront. Consequently, under Section 38A of the Town and Country Planning (Scotland) Act 1997 a pre determination hearing is required prior to determination.

Recommendation

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

Summary

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, within a site allocated in the Local Development Plan for residential led redevelopment. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

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 site comprises of two vacant low-rise industrial buildings as well as a larger single storey industrial building which is currently in use as a carpet warehouse on a site extending to 5040 sqm. A large surface car park is located on the east side of the site.

The site is bounded to the north by Salamander Street, to the east by a detached industrial building, to the west by the recently developed Ropeworks residential area and to the south by Leith Links.

The wider area along Salamander Street is characterised by industrial units with gradually increasing numbers of residential units as plots are redeveloped. Salamander Street itself is proposed be realigned to accommodate a segregated cycle path adjacent to the proposed development as part of the Leith Connections project.

Although the site itself is relatively level, there is a significant level change between the southern edge of the site and Leith Links where it meets the elevated Restalrig Railway Path. The cycle path connects Leith to Portobello.

The boundary of the Leith Conservation area lies outwith the site but adjoins the southern site edge, covering Leith Links.

Description of the Proposal

The application proposes the demolition of all existing buildings on the site, and the erection of a new mixed use development comprising of residential accommodation and commercial uses. A total of 99 residential units are proposed of which 64 will be open market and 35 (35%) are classed as affordable housing which will be pepper-potted throughout the development.

The breakdown in unit sizes across all tenures proposed are;

One bed units - 38 (38 %)

Two bed units - 41 (42 %)

Three bed units - 20 (20 %)

The new building will be U-shaped with six storeys to the frontage with Salamander Street, dropping to five storey at Leith Links. Two commercial units are proposed at ground floor level facing Salamander Street. Proposed materials include a predominantly red brick front to Salamander Street with the two five storey side blocks will be finished in buff brick. The building will have a flat roof with balconies located throughout the development.

The proposed commercial units will feature full height glazing and face onto Salamander Street. The combined area of the units is approximately 230.8 square metres.

Proposed landscaping will consist of private gardens to ground floor units, and a large communal area enclosed within the block.

The proposals include 18 car parking spaces and four motorcycle parking spaces. One of the car parking spaces will be designated as wheelchair accessible while the proposed parking arrangement would include four twin EV charging points. In addition, 220 secure external cycle parking spaces are proposed as well as 44 non-standard internal cycle stores. These will be provided at the ground floor of the accommodation or within dedicated external storage.

Supporting documents

The following documents have been provided to support the application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Daylight & Sunlight Assessment
- Noise Impact Assessment
- Transport Statement
- Sustainability Statement
- Air Quality Impact Assessment
- Odour Statement (Within Design & Access Statement)
- SUDs
- Flood Risk Assessment
- Sustainability Form
- Tree Constraints Plan
- Landscape & Visual Appraisal

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

Relevant Site History

22/01181/PAN
124 Salamander Street, 1 - 3 Salamander Yards
South Leith
Edinburgh

5-6 storey building providing 99 residential apartments with associated access, parking and landscape.

Pre-application Consultation approved.

28 March 2022

Other Relevant Site History

No additional history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport Planning

Leith Links Community Council

Archaeology

Affordable Housing

Waste Services

Flood Planning

Scottish Water

Environmental Protection

Children and Families

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 July 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 July 2022

Site Notices Date(s): Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Historic Environment Policy for Scotland (HEPS)
- Managing Change: Setting

The Leith Conservation Area Character Appraisal notes that *"development is confined to the outer side of all the roads surrounding the Links and while the sense of containment by development is greater to the west nearly all the edges are dominated by mature trees. The exception is that part of the north east edge fringed by industrial premises."*

The proposals will be a contemporary addition that will be sympathetic to the surrounding conservation area but does not propose a pastiche reproduction of the historic buildings found along the southern boundary of Leith Links. The design and layout of the building is appropriate and respects the emerging urban grain of the area to the north of Leith Links. There will be a neutral impact on the setting of the Leith Conservation Area.

Conclusion in relation to the conservation area

The proposal preserves 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 sustainable places policies 1, 2, 3, 4, 7, 9, 13,
- NPF4 liveable places policies 14, 15, 16, 18, 19, 20, 22, 23
- NPF4 productive places policies 25
- LDP environment policies Env 12, Env 21 and Env 22
- LDP housing policies Hou 1, Hou 2, Hou 3, Hou 4,
- LDP design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 11
- LDP transport policies Tra 2 Tra 3 and Tra 4.
- LDP delivery policies Del 1, Del 3

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 LDP design, and transport policies.

The non-statutory 'Affordable Housing' guidance is a material consideration that is relevant when considering NPF 4 Policies 15, 16 and LDP Policy Hou 6.

Principle

The site lies within the 'Edinburgh Waterfront' which is defined as a national development to support the regeneration of strategic sites along the Forth Waterfront in Edinburgh. This national development supports high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes.

This will help maintain and grow Edinburgh's position as a capital city and commercial centre with a high quality and accessible living environment. Development locations and design will need to address future resilience to the risks from climate change, impact on health inequalities, and the potential to incorporate green and blue infrastructure.

The proposal is for a predominantly housing led mixed use development within the defined area. An assessment against climate change and quality of living environment is made in subsequent sections of this report.

The proposal complies with the National Development - Edinburgh Waterfront of NPF 4.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing as part of mixed use regeneration proposals at Edinburgh Waterfront. The proposal for residential dwellings and commercial use at ground floor at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

The Edinburgh Local Development Plan identifies the site as part of EW1C (East of Salamander Place). EW1C is identified as an area where housing led, mixed use development is supported. Table 11 sets out development principles for this area, including the need to provide streetscape improvements to Salamander Street and the design of new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development.

In relation to this proposal, the provision of housing-led mixed-use development is supported in principle within the context of policies Hou 1 and EW1C.

Del 3 of the LDP (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith waterfront. Requirements in principle are for:

- a) comprehensively designed proposals which maximise the development potential of the area
- b) the provision of a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods
- c) proposals for a mix of house types, sizes and affordability
- d) the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

The proposal is compliant with Del 3 as it will contribute towards the emerging residential character of the area. The application provides a range of house types, sizes and affordability and helps create a new residential character and sense of place along this section of Salamander Street.

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. Although the proposals feature a single house type, there will be an appropriate mix of unit sizes including 20% three bedroom flats to meet the needs of larger families. The proposals also include accessible units along with 35% of units meeting the affordable housing policy. This meets the need for family homes within the immediate area and complies with Hou 2.

Loss of employment Uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided.

The surrounding area is mainly industrial in character, although the former industrial land to the south and west has recently been developed with a residential led scheme in the Ropeworks site.

The neighbouring industrial unit to the east is restricted by condition for personal sports training only within Class 11 of the Town and Country Planning (Use Classes) (Scotland) Order 1997. To the east, lie three retail wholesale units which are not protected under the agent of change principle. The proposed residential use in this location would not inhibit these nearby uses. The proposal complies with LDP policy Emp 9 and NPF 4 policy 23.

Affordable Housing

LDP Policy Hou 6 (Affordable Housing) sets out the requirement for affordable housing amounting to 25% of the total number of units proposed. Affordable housing will account for 35% (35 units) of the proposed new homes. The affordable housing would consist of flatted apartments of a range of sizes and will have 19 homes for social rent and 16 mid-market rent homes. This split is supported as the number of social rent homes represent 76% of the 25 affordable homes required on site under the current affordable housing policy. This offers a representative and integrated mix of affordable homes delivered on site.

The proposed affordable housing mix is;

14 x1 Beds (40%)

15 x 2 Beds (43%)

6 x 3 Beds (17%)

The application complies with LDP Policy Hou 6. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Climate mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) 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 an existing developed site for alternative uses.

NPF4 Policy 2 a) (climate mitigation and adaption) 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 encourages the use of previously developed land over greenfield development. In particular, criterion a) states development proposals that will result in the sustainable reuse of brownfield land will be supported.

Measures are proposed to ensure building fabric performance and overall energy consumption will meet relevant building standards. The energy strategy removes all requirements for fossil fuels and includes ground source heat pumps for water and space heating. The proposal is for an Ambient Heat Network with an array of boreholes located below the building footprints and individual heat pumps within each dwelling.

Sustainable transport is prioritised by the low car parking levels proposed in the new development, private cycle storage and accessibility to the wider city for active residents.

Historic Environment

NPF4 Policy 7 (Historic assets and places) 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. This policy 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 parts d)- g).

The aim of NPF 4 Policies 7 (n) and 7(o) is to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains and the proposals have the potential to disturb significant remains associated with the Georgian and latter Victorian workers housing and potential evidence associated with 1559/60 Siege of Leith. Therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to/during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Design and Materials

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

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The proposed building will form a U shaped block, with a 6 storey frontage to Salamander Street, and 5 storey wings facing east and west. The building will have a flat roof throughout.

Proposed materials have been chosen to contrast between the 5/6 storey elements with red brick facing Salamander Street, and buff brick proposed for the side wings which will give the impression of the development being broken into parts. On the outer faces, balconies are included on the corner units to engage with Salamander Street as well as key locations facing the courtyard elevation.

The existing building is located in an area which is currently characterised by low density industrial warehouse buildings. The proposals form part of a newly emerging character of residential led mixed use development. The site achieves a density of 196 dwelling per hectare which is appropriate, and in keeping with other recently developed sites.

The proposed development does not rise above the prevailing height of buildings in the vicinity of the site, and is of a comparable scale at the Ropeworks Development. A Townscape and Visual Impact Assessment has been submitted to show that the proposed development would not adversely impact on existing protected viewcones across the city.

Co-ordinated development

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

The applicant has submitted an indicative masterplan to show how allocated sites within the EW1C allocated development site could be developed to the east and west of the application site. Sites to north side of Salamander Street remain allocated under the LDP general industrial, storage and business development and port-related uses. It is not anticipated that these sites will come forward for residential uses.

Landscaping

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

An outline landscaping plan has been provided. It contains areas of paving and grass with planters to the front garden. A condition has been added requiring specification details on an updated landscape plan, and that the landscaping is carried out within a specified timescale.

LDP Policy Hou 3 (Private Green Space) sets out that adequate provision for green space should be made to meet the needs of future residents. The overall site area is 5040m² and the proposal shows a total amenity provision of 1403.5 sqm. This comprises of private gardens (205 sqm), private communal open space (951 sqm) and a pocket park (247.5 sqm). Therefore, the overall percentage of amenity provision is 27.8%

Each of the ground floor flats will contain a private garden space which will be directly accessible from these properties. When the communal rear open space and private gardens are considered, the equivalent of 11.67 sqm of green space is provided per dwelling. The garden will be at a raised level to provide ground floor access to properties on the east/west of the development.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The submission has included to show a shadow path analysis of the external amenity areas assessed will exceed the BRE overshadowing target criteria. The open space benefits from a southerly aspect facing onto Leith Links and will provide a good standard of space for future occupiers. Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity.

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole.

The proposal includes the formation of a 'pocket park' along Salamander Street. This will act as a screen to the proposed parking area and form part of the wider public realm with resting spaces within the landscape features. The proposed landscaping will include elements of native planting and tree species which are chosen to provide optimum absorption of air pollutants. The inclusion of this landscaped space will also assist in preventing a future canyoning effect of air pollutants at this end of Salamander Street and allows spaces for air circulation.

Amenity for existing neighbours and future occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring existing neighbours and future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook.

There is a limited impact on neighbouring residential properties, with no significant impact on the existing occupiers of the Ropeworks development. The impact on future coordinated development has also been noted.

In terms of housing mix, LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. The proposal contains a range of house/flat types and sizes. The Edinburgh Design Guidance (EDG) expects that 20% of units should be homes for growing families with at least three bedrooms which the proposal meets. The unit sizes meet the minimum internal floorspace requirements as set out in the EDG.

The EDG recommends that no more than 50% of the total units should be single aspect. A total of fifty-one of the ninety-nine flats are dual aspect (51.5%). The flats have been designed as open plan layouts which maximise the amount of usable space and allow natural daylight to filter in. The open plan layout also accommodates a wide range of potential future users.

The daylight to all the habitable rooms in the proposed development have been assessed. The tests were undertaken in accordance with the methodology set out in the EDG. The daylight results show that 49 of the rooms tested fail to achieve the guideline No Skyline (NSL) values. Part of the reason for some of these rooms failing to meet the NSL value includes the provision of balconies to the upper storey flats which will enhance the access to external daylight provision. In addition, the proposed flats contain large, combined kitchen/diners which make it difficult for direct daylight to reach 50% of the floor area at the working plane.

Although not a standard identified in the EDG the applicant has completed an Average Daylight Factor study of the 49 rooms which fail the NSL. This has found that of the 49 rooms affected, this would reduce to 3 rooms based on a 1.5% ADF analysis. On this basis the marginal infringement to LDP Policy Des 5 Development Design - Amenity is acceptable.

NPF 4 Policy 23 (Health and safety) seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. On Salamander Street both adjacent and opposite the application site are existing industrial premises which have the potential for noise. In addition, the road traffic along Salamander Street is a significant noise generator in the local area. A Noise Impact Assessment (NIA) has been submitted to assess impact from these sources on habitable windows of the proposed development.

The Noise Impact Assessment (NIA) submitted with the application identifies potential disturbance from these sources, including deliveries to existing premises to the west. In terms of noise assessment on future occupiers, a closed window standard with mechanical ventilation has been used, similar to neighbouring development sites. The closed window standard is required to windows on the north, east and west elevations which are affected by traffic noise from Salamander Street.

An Air Quality Impact Assessment has also been submitted and assessed. The Salamander Street Air Quality Management Area lies outwith, but directly adjacent to the application site with the boundary covering Salamander Street itself. The data from the Council's monitor in Salamander Street from June 2022 showed that levels are now below the Scottish Government's air quality objective in terms of PM10, PM2.5 and NO2 particles. The nearest affected residential property is approximately 10 metres back from the current road edge and at first floor level. On this basis future occupiers of the development will not be unduly exposed to harmful levels of air quality.

The proposed development is in accordance with NPF4 Policy 23 in terms of protecting people and places from environmental harm.

Flooding and Drainage

A Flood Risk Assessment and Surface Water Management Plan (SWMP) has been submitted which includes a drainage strategy. The proposed SUDS includes 3 bioretention areas with a total area of 283m². It is anticipated that partial infiltration will be feasible which will significantly reduce the overall volume of surface water discharging from the development. Permeable paving is also proposed for the parking areas.

However, due to the low discharge rate required when discharging to a combined sewer additional attenuation is required. Given this is a constrained brownfield development it is proposed that this is provided via below ground cellular storage. The current proposals show 138m³ of cellular storage located under a private parking area. If the design was amended to incorporate 1500m² of green roof this would reduce the cellular attenuation requirement to around 40m³.

However, the applicant has advised that based on current market rates the green roof would cost somewhere in the order of £675,000 (£450/m²). A balance has been made between the provision of high level SUDS and the increased affordable housing provision at this site.

The proposal causes no flood risk to the surrounding area, and Scottish Water comments offer no objection to the proposal. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity and Trees

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. NPF4 Policy 4 (Natural Places) seeks to protect, restore and enhance natural assets making best use of nature-based solutions.

Outwith, but adjoining the application site on its southern edge is a designated Local Nature Conservation Site which forms part of the children's orchard within Leith Links.

The existing site has little in the way of biodiversity value, with extensive hard surface car parks only small areas of self-seeded planting. Biodiversity enhancements will be delivered through the landscape plan. The position of the site will allow this landscaping to link into the existing nature network on Leith Links. This will considerably improve the biodiversity value of the site from the existing situation.

As the development site is located directly to the north of the Local Nature Conservation Site, the area will not be significantly affected by overshadowing from the proposed development. In addition, an Arboricultural Impact Assessment and Tree Survey have been submitted with the application. This identifies that although canopies of trees located within the children's orchard overhang the site to some degree, the presence of the existing wall along the southern boundary of the application site as a barrier means that root penetration into the site is likely to be minimal.

It is recommended that a condition be added requiring swift bricks in the new roof form to further increase habitat opportunities in the development.

Transport

NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

LDP policy Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance with appropriate design and layout.

The proposals include 18 car parking spaces and four motorcycle parking spaces. One of the car parking spaces will be designated as accessible while the proposed parking arrangement would also include four twin EV charging points.

Vehicular access to the parking area is provided via Salamander Street which is an existing vehicular access to the site.

Direct pedestrian and cycle connections are also available via this existing access. Access to the site can also be achieved via the adjacent Ropeworks development.

In addition, 220 secure external cycle parking spaces are proposed as well as 44 non-standard internal cycle stores (20%). These will be provided at the ground floor of the accommodation or within dedicated external storage. More than 50% of these cycle spaces do not require any lifting.

The nearest bus stops to the proposed development are on Seafield Place around a three-minute walk (200m) from the edge of the proposed development. Along the western boundary of the site there are new parking restrictions proposed as part of the Leith Controlled Parking Zone which will include double yellow lines on both sides of Salamander Yards. This will reduce the car dominance around the proposed development compared to the existing situation.

The Edinburgh Design Guidance permits a maximum of 99 off street parking spaces for this scale of development. The low levels of parking proposed, and accessible nature of the site, ensure that the proposal complies with Policy 13 of NPF4.

The applicant has identified a potential location for a future car club space on Salamander Street. However given the intended road alignment changes proposed by the Leith Connections project it would not be appropriate for this to be delivered by the applicant.

Infrastructure

NPF4 Policy 18 (Infrastructure First) states that development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported. LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires contributions to the provision of infrastructure to mitigate the impact of development.

Residential development of greater than one bedroom in size (61 units) is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development. A contribution of £627,446 (£327,692 primary infrastructure and £299,754 secondary infrastructure) (Quarter 4 2022 subject to indexation) should be secured through a Section 75 legal agreement.

In addition, a contribution towards the provision of new Healthcare facilities in the Leith Links practice catchment is identified in the Developer Contributions and Infrastructure Supplementary Guidance. A per unit cost of £945 per dwelling, indexed from the date of signing is the appropriate contribution level to mitigate the impact from future occupiers. This gives a total healthcare contribution of £93,555.

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.

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 development should be built out in accordance with the relevant building standards in terms of equalities and accessibility.

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 comments - neutral:

One neutral comment was received requesting consideration of the use swift nesting bricks within the proposed development. This has been addressed above.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposed development is in compliance with the development plan. It complies with the aims and objectives of the above policies of National Planning Framework 4 and the Edinburgh Local Development Plan, providing a sustainable use, with good access to local facilities, without reliance on private car use. It is in compliance with NPF4 Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

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. 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.
3. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, historic building recording, 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.
4. 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.
5. Prior to occupation of the development, the noise mitigation measures as specified within KSG Acoustics noise impact assessment dated 1 July 2022 shall be implemented.
6. 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.

7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
8. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
9. Prior to the occupation of the proposed development, the EV car chargers as detailed in the approved plans shall be installed and operational.
10. Proposed commercial units shall be restricted to Class 1, Class 2 or Class 4 uses under The Town and Country Planning (Use Classes) (Scotland) Order 1997.
11. For the avoidance of doubt, prior to the commencement of works on site, additional flood protection measures for the residential properties shall be submitted to the Planning Authority for approval. These measures shall then be implemented as per the agreed details.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to protect the amenity of the occupiers of the development.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In order to safeguard the interests of nature conservation.
9. In the interests of preserving local air quality
10. In order to protect the amenity of the occupiers of the development.
11. In the interests of flood management.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to education and affordable housing, as set out below:

Affordable Housing

The proposal is required 35 units of affordable housing.

Education

The proposed development is required to contribute a maximum of £627,446 towards the delivery of actions.

Healthcare

The proposed development is required to contribute a maximum of £93,555 towards the delivery of actions.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
5. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

6. The applicant should explore the provision of a suitable cycle and pedestrian link between Salamander Street and the cycle track on Leith Links, and plans shall be submitted to the Planning Authority in this regard.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 12 July 2022

Drawing Numbers/Scheme

01-04, 05A, 07-24

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport Planning
COMMENT: No objections.
DATE:

NAME: Leith Links Community Council
COMMENT: No comments received.
DATE:

NAME: Archaeology
COMMENT: No objection subject to conditions.
DATE: 14 July 2022

NAME: Affordable Housing
COMMENT: No objection.
DATE:

NAME: Waste Services
COMMENT: No objections.
DATE: 29 July 2022

NAME: Flood Planning
COMMENT: No objections - condition added.
DATE:

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

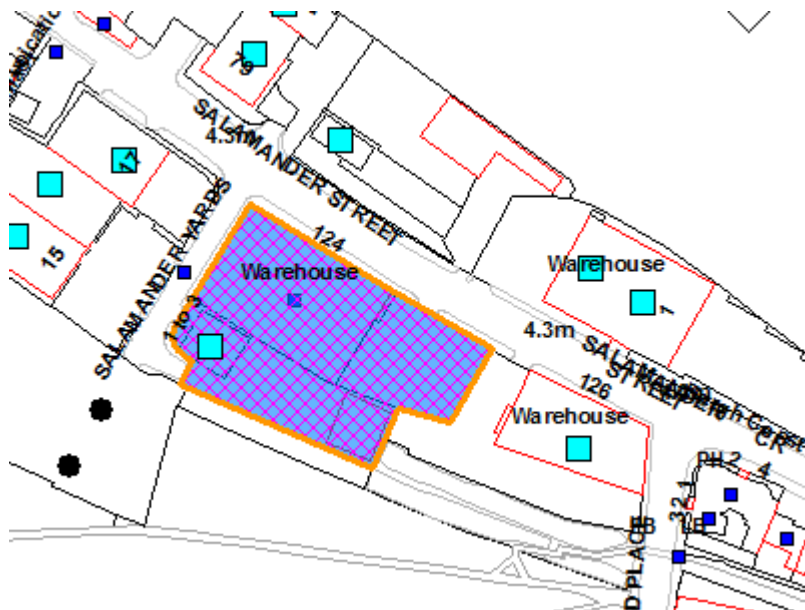
DATE: 18 July 2022

NAME: Environmental Protection
COMMENT: No consultation response - informal comments provided.
DATE:

NAME: Children and Families
COMMENT: No objection subject to contribution.
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 21 June 2023

**Application for Planning Permission
6 Bankhead Broadway, Edinburgh, EH11 4DB**

Proposal: Change of use from use as a warehouse to form a swimming pool to teach babies and tots.

**Item – Committee Decision
Application Number – 23/02062/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of one hundred and ten comments were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a large warehouse that is situated within a defined Business and Industry area of the city, to the north of Calder Road and the east of the City Bypass. The surrounding area is characterised by large business and industry commercial units.

Description Of The Proposal

The proposal is for a change of use from a Class 4 (administration office) to a Class 11 (swimming pool) to include additional windows and signage.

Relevant Site History

23/02031/FUL
6 Bankhead Broadway
Edinburgh
EH11 4DB
Change of Use from warehouse to swimming pool

Other Relevant Site History

An application for the same proposal, but at 6 Bankhead Crossway South (22/05278/FUI), was considered and continued by committee in April. Subsequent to the committee's decision to continue the matter for further information, it transpired that the application had been submitted for the wrong property. This is now rectified through this application.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Roads Authority

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 110

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Place - Policy 1
- NPF4 Liveable Places - Policy 21
- NPF4 Business and Industry - Policy 26
- LDP Amenity Policy Hou 7
- LDP Entertainment and Leisure Developments - Other Locations Policy Ret 8.
- LDP Employment Policy Emp 8.
- LDP Transport Policies Tra 2 and Tra 3.

Principle

The units within the area primarily operate within business or industrial uses (Use Class 4 and Class 5), which is reflected in the development plan allocation for the area. These areas are designated as Business and Industry areas as they are strategically important to the economy of the city, the type of employment they provide for and the access to infrastructure that the areas are served by.

LDP Policy Emp 8 Business and Industry Areas states that proposals in these strategically designated areas that are not within a Business and/or Industry use would be unacceptable. NPF 4 Policy 26 reinforces this by stating that other employment uses in such areas will be supported where they will not prejudice the primary function of the area and are compatible with the business/industrial character of the area.

It is recognised that the proposed use would have significant benefits and would underpin other policies, particularly those contained with NPF 4 that promote healthy living and wellbeing. This is reflected in the number of representations that are supportive of the development. However, it also has to be recognised that the proposal would undermine the effective supply of large scale industrial units that have been located in specific areas, identified as being appropriate for such uses.

It would dilute the effectiveness of the supply of these units, would prejudice the primary function(s) of the specifically designated area and would have the potential to create pressure to develop alternative business and industry units in other, less appropriate locations.

The proposal is contrary to NPF4 Policy 26 and LDP Policy Emp 8 as it would result in the loss of a business and industry unit of significant size (approximately 750 sqm) by virtue of the use not being a Class 4 or Class 5.

LDP Policy Ret 8 sets out the criteria for assessing proposals for entertainment and leisure developments in other locations, such as commercial centres, local centres and elsewhere in the urban area. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents.

The supporting statement highlights that it is anticipated that most journeys to the site would be made by private vehicles. Although there are some public transport options nearby, the reliance on the private vehicle would be contrary to LDP Policy Ret 8 in that one of the key considerations for the site, public transport, has not been addressed.

In terms of NPF4 Policy 1, the proposal would constitute a minor infringement of policy due to reliance on private vehicles. However, given the relatively minor increase in the number of car journeys likely to be generated by the development, it would be insufficient to justify refusal in isolation.

The proposal would be unacceptable as it is contrary to NPF4 Policy 26 and LDP Policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments - Other Locations.

Scale, Form and Design

The proposed external alterations would not constitute development under Section 26 of The Town and Country Planning Act (Scotland) 1997.

Amenity

The proposal was assessed in terms of amenity.

Environmental Protection was consulted in relation to the proposal and no concerns were raised.

The proposal would not have a detrimental impact in relation to amenity.

This complies with NPF4 Policy 14c) and LDP Policy Des 5 Amenity.

Roads Authority

The Roads Authority was consulted in relation to the proposal and raised no objections to the proposal providing their recommended conditions were attached. These are detailed below:

1. Cycle parking for seven cycles to be provided, to comply with the Councils standards (refer cycle parking factsheet C7);
2. Two motorcycle parking spaces to be provided;
3. Electric vehicle charging points to be provided for two of the car parking spaces;
4. Two of the car parking spaces to be designated for accessible users.

Please see the consultations section for further detail.

This would comply with Tra 2 Private Car Parking and Tra 3 Private Cycle Parking.

Conclusion in relation to the Development Plan

The proposal is contrary to NPF 4 Policy 26 and LDP Policies Emp 8 Business and Industry Areas and Ret 8 Entertainment and Leisure Developments, as it would erode the provision of business and industry units, to the detriment of the city's economy and there would be a reliance on the site being accessed by private vehicles.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

Age is a protected characteristic and while the facility would provide a service primarily directed at young children, there is no way of controlling this through Planning and the benefits of the use would not outweigh the considerations above.

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

Public representations

One hundred and ten representations were received from members of the public (In support).

The main theme of the representations is focused on the proposed use being beneficial to health and wellbeing and welcomed within the surrounding area.

Conclusion in relation to identified material considerations

The potential benefits of the proposal do not outweigh the longer-term negative impact that the loss of allocated space for business and industry floorspace within the city.

Overall conclusion

The application for development is unacceptable as it is contrary to the relevant policies within National Planning Framework 4 and the Edinburgh Local Development Plan, as it would undermine the provision of business and industry units, to the detriment of the economy of the city. The proposal would have no adverse effect on the character of the area or on neighbouring residential amenity. A total of one hundred and ten comments were received in support of the application, specifically in relation to the use being beneficial, and some weight has been given to these comments. However, these comments do not outweigh the provisions of the development plan and there are no other material planning considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to NPF4 Policy 26 in that it would result in the loss of a significant Business and Industry unit.
2. The proposal is contrary to the Local Development Plan Policy Emp 8 in respect of Business and Industry Areas, as it would result in the loss of a significant Business and Industry unit.

3. The proposal is contrary to Local Development Plan Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) as there would be a reliance in the use of private cars to access the site by users of the development.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 May 2023

Drawing Numbers/Scheme

01-06

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

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objections.

Please see the full consultation for more information.

DATE: 31 May 2023

NAME: Roads Authority

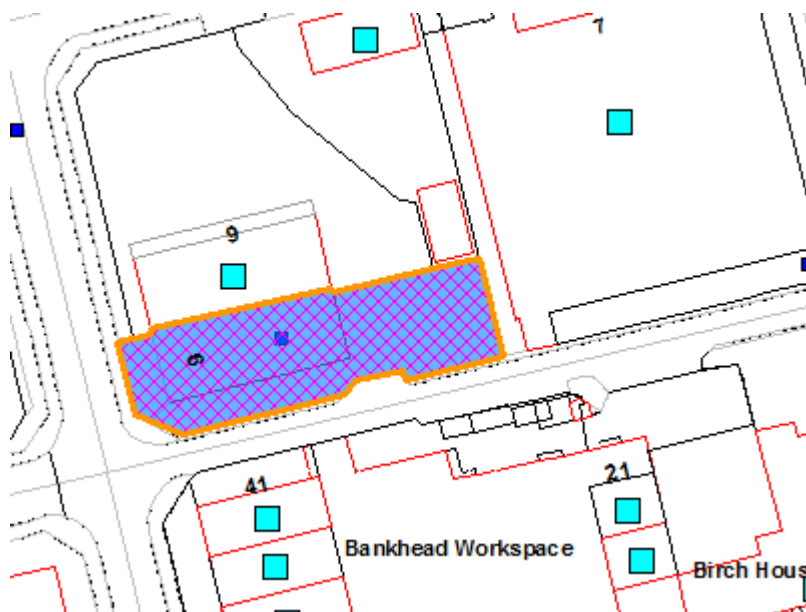
COMMENT: No objection.

Please see full consultation for more details.

DATE: 24 May 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 21 June 2023

**Application for Planning Permission
12 -18 Lower Gilmore Place, Edinburgh, EH3 9NY.**

Proposal: Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking (as amended).

**Item – Committee Decision
Application Number – 22/06109/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 70 letters of objection have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Overall, the proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards healthcare infrastructure the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is approximately 0.11 hectares (ha) and encompasses 12-18 Lower Gilmore Place, presently consisting of a mix of low and medium-rise commercial workshops, service yards and office units.

The proposed scheme is bounded by an existing purpose built student accommodation development to the East, mixed-use commercial and office buildings to the West and commercial properties to the South including nurseries and a garage. To the North, the site faces Lower Gilmore Place beyond which is the brick boundary wall of the Union Canal which is a Scheduled Ancient Monument.

The site is not located within a Conservation Area, but is located adjacent to the Marchmont, Meadows and Bruntsfield Conservation Area on its South Boundary.

Description of the Proposal

Planning permission is sought for the erection of a purpose-built student accommodation, containing 80 studio flats. The proposal would involve the demolition of all the buildings currently on site. The proposed building would be four storeys, mirroring the height and built form of the neighbouring development to the east.

The proposed building will be 12.9 metres tall and formed using dark and light brick. The proposal will make use of aluminium windows and a zinc clad roof. Accommodation on the fourth floor is in the form of a mansard roof formed of an extensive flat-roofed area and steep pitches to the north and south elevations, with a hipped roof at each end. The front elevation would also have five gables, creating a "saw-tooth" appearance. The rear elevation includes a three storey projecting wing, approximately 9.9 metres in height, projecting 8.25 metres at its east side and 9.4 metres on the west.

Amenity space is provided to the rear, with 270 square metres of open space. Garden ground accounts for 220 square metres of this total which is twenty percent of the site area. This is complemented by 130 square metres of internal amenity space, which is to include gym, study spaces and a media/cinema room. Planter boxes are to be provided at the principal elevation and the proposal includes the provision of lawn, raingarden planting and ten new trees.

No car parking is proposed on site. A bike store with space for 80 cycles is to be located in communal garden space located to the rear. This includes the use of Easi-Riser racks which consist of high level storage for thirty five bikes, with Sheffield stands below for a further thirty five bikes. The Easi-Riser system proposed includes a gas strut mechanism to assist with lifting.

Ten non-standard bikes are accommodated for across the site, with four in the main storage area, and six in the pend. The garden area will be accessed through the pend which includes a secure gate.

Revised Scheme

The revised scheme amends proposed cycle parking to include Easi-Riser racks and introduce Sheffield stands for non-standard bikes. Further details regarding soft landscaping are also provided.

Supporting Information

The following information was provided:

- Archaeological Assessment
- Surface Water Management Plan
- Noise Impact Assessment
- Bat Survey
- Design and Access Statement
- Transport Statement
- Cycle Parking Information
- Landscape Maintenance Plan
- Soft Landscape Specification

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

Relevant Site History

17/04235/PPP

12, 14-16, 18, 20 & 22 Lower Gilmore Place

Edinburgh

EH3 9NY

Flatted residential development and approval for building footprint and maximum height.

withdrawn

12 March 2020

Other Relevant Site History

Neighbouring Site

4 March 2021 - Appeal against deemed refusal allowed: Demolition of existing buildings and erection of student residential development with associated landscaping (Appeal Reference: PPA-230-2323).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Flood Planning

Scottish Water

Historic Environment Scotland

Scottish Canals

Archaeologist

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 December 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 70

Section B - Assessment

Determining Issues

Due to the proposed development having a potential impact on the setting of a Conservation Area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- *Managing Change - Conservation Areas*

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well-proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

The buildings that are currently onsite are of no architectural value and are to be replaced with a building of a high-quality design. The existing buildings are in poor condition, constructed of poor quality materials and provide an inconsistent edge to Lower Gilmore Place in terms of height, form and location. The regeneration of the site through the proposed development will have a positive impact on the wider area and therefore the proposal will enhance the character and appearance of the Conservation Area.

The proposal references the roofscape, materials and fenestration of the development to the East, enhancing the canal-side residential aesthetic of Lower Gilmore Place. This façade activates the neglected streetscape with large ground floor glazing, setbacks and inhabited units with views out to the canal and over the street. The proposed development will bring a consistent, linear height, form and street edge to principal elevation of Lower Gilmore Place; whilst the use different colour tones will provide visual variation.

The rear elevation continues an established building line, with a projecting wing largely being masked by an existing commercial unit. At 9.9 metres in height, this element of the scheme is broadly in line with the height of 12 Lower Gilmore Place which is approximately 9.75 metres tall. This element of the scheme will not be visible from public view points on Lower Gilmore Place. The projecting stair echoes the tenement architecture and provides a division of the façade to break down its visual massing. To the east, the proposed building will adjoin the neighbouring building subtly, continuing the roofscape. To the west a gable end echoes the existing tenement gable.

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 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 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 NPF 4.

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

- NPF 4 Sustainable Places policies 1, 2, 3, 4, 7, 9, 12, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 19, 20, 22, 23.
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou1, Hou 8.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.
- LDP Resources and Services policy RS 6.

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

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8 (Student Accommodation).

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 (Historic assets and places).

Acceptability of the development in principle

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 NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations.

Policy 16 of NPF 4, in criterion c, lends support to development proposals for new homes that improve affordability and choice, by being adaptable to changing and diverse needs, and which address identified gaps in provision. Part vii of criterion c) states that housing types for homes for people undertaking further and higher education are one of the categories of homes which are supported, subject to compliance with other policies of NPF 4.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on a site previously developed with a collection of poor quality commercial buildings in operation. It is in close proximity to local retail and other services, as well as public transport links. The proposal would introduce a good quality building, which reflects consented development next door and will provide a consistent, active frontage to Lower Gilmore Place.

Policy 9 of NPF 4 aims 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. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

The proposal makes use of a brownfield site, and the new building will be constructed to a level that meets the current building regulations in terms of external wall thermal insulation and air leakage. Whilst criterion d) of the policy notes that demolition will be the least preferred option in making use of such sites, it also highlights that consideration should be given to the suitability of the existing buildings for the proposed use. In this case the aging office and commercial buildings are not suitable for residential development in terms of energy performance, materials and contribution to the appearance of the wider area. It should also be noted that the demolition of the existing buildings would be permitted development under Class 70 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended).

The demolition of the existing buildings facilitates the proposed landscaping/green infrastructure at the site's rear providing amenity space for future occupiers, whilst the remainder of the brownfield site would be productively used to deliver accommodation for those studying in higher education. The demolition of existing buildings will allow new development to continue the building line of neighbouring buildings, providing an active, linear frontage to Lower Gilmore Place. The creation of more space to the rear of the site will facilitate the provision of a bike store and the provision of external bike racks which will support sustainable, active travel.

On balance the proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land to help reduce the need for greenfield development. The proposal complies with the intentions of NPF 4 policy 9.

Housing land

LDP Policy Hou 1a states that priority will be given to the delivery of the housing land supply and relevant infrastructure on sites allocated in this plan through tables 3 and 4 and as part of the mixed use regeneration proposals at Edinburgh Waterfront and in the city centre. The LDP identifies the application within the CC3 area allocated for the mixed-use redevelopment of the former brewery site.

The LDP identifies an estimated total capacity of 1200 residential units to be delivered across the CC3 area. The LDP identifies 206 completions up to 2016 leaving a total of 994 units still to be delivered at that time. Since 2016, the 2022 Housing Land Audit and Completions Programme (HLA) identifies that 125 residential units have been completed at Fountain North. The HLA further identifies 345 units as part of the Moda development to the North of Dundee Street, these units are now at an advanced stage of completion. 253 residential units were consented to the North of the application site through application 21/01494/FUL and this development has been initiated. A total of 464 units were also recently approved as part of application 22/04045/AMC at 159 Fountainbridge to the North-West of the application site.

Taking into account the figures set out above, a total of 1,393 residential units have now been built or consented within the CC3 area. This is 193 units more than forecast in the Local Development Plan. Within this context, the construction of purpose built student accommodation within this area will not jeopardise the delivery of housing. The proposal does not conflict with LDP Policy Hou 1.

Student Accommodation

Policy Hou 8 (Student Accommodation) supports purpose-built student accommodation where:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport, and
- b) where the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The supporting non-statutory Student Housing Guidance provides additional locational and design guidance.

Accessibility of campus

The development site is in an appropriate central location and is within walking distance to campuses of Edinburgh and Napier Universities. Gilmore Place itself lies on a national cycle route connecting to a main campus of Edinburgh University and is further served by local and national cycle routes in the vicinity. There are frequent bus services on Gilmore Place and on nearby Home Street which provide access to other campuses, universities and college sites.

Concentration of student population

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Council's Student Housing Guidance clarifies that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. The Council has typically used the data zones that fall within an 800m radius, an approximate 10-minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

The student population within an 800-metre radius of the area, based on 29 datazones within the 2011 census, showed an overall population of 24,027 of which students accounted for 7,859. This represents a student concentration of 33% within the locality in 2011.

Using the National Records of Scotland's Small Area Population Estimates for 2020, the overall population estimate for this 800-metre locality was estimated as 27,214. An adjusted present day student concentration figure for the locality is calculated by assuming that all student figures identified within the 2011 census have remained constant and that all pending and consented applications for Purpose Built Student Accommodation have been granted and are fully occupied. The figure for each datazone is then adjusted to provide an updated maximum figure for student percentage. Using this methodology and accounting for the current proposal, the estimated total students within an 800-metre radius of the site is 10,422, this represents 38% of the total population (an increase of 5% since 2011). This figure should be considered a maximum, as it assumes that the number of students staying within private accommodation in 2011 has remained constant and that all students living within purpose-built accommodation are new. In reality new purpose-built accommodation may have displaced students living in private accommodation.

The applicant has also referenced the assessment of the consented student accommodation next door to the application site, situated at 7 Lower Gilmore Place. In March 2021, consent was granted by the DPEA for a 74 bed student accommodation at 7 Lower Gilmore Place (Decision Reference: reference PPA-230-2323). The assessment of student concentrations in this case took a 'worst case scenario' approach which considered an area covering 21 Census datazones. This area encompassed Tollcross, Fountainbridge, North Bruntsfield which was outlined by the Community Council in their consultation response as the area considered by locals to constitute the locality for this area.

The Council considered population data for the 21 census datazones identified, then expanded upon this by including the number of student beds approved within this 21 data zone study area. This included all approved and pending consideration student accommodation applications post 2011. The 'worst case' nature of this approach involved the exclusion of any residential developments that had either been approved or were pending consideration post 2011, thereby increasing the resident population by students only. The Reporter considering appeal PPA-2302323 concluded that this 'worst case scenario' was an appropriate assessment of potential student concentrations within this locality.

Using 2011 census to provide base data for the 21 data zones identified, the 2011 total population was 18,060, with students representing 6,553 (36.3%). Since then, 17 purpose-built student residences had become operational and/or have been consented, with a potential capacity of 4,022. On this worst-case assumption, which assumes there had been no increase in permanent residential accommodation in the defined study area, this results in a student concentration of 47.88%.

When accounting for the proposed development, which seeks to provide an additional 80 student beds within this locality, and the 148 beds recently consented at Yeaman Place (Application Reference: 22/03556/FUL), this will see the potential capacity of students rise to 4,250. When this figure is added to the 2011 total population data this equates to a total 'worst-case' population of 22,310 within the defined locality. The total figure for the student population in this defined locality is 10,803 which accounts for this development and all student accommodation consented and pending consideration post 2011. The student concentration, considering these factors is therefore 48.42%, which falls below the 50% threshold set out in the Student Housing Guidance.

Tollcross Community Council has objected to the scheme. The response includes an objection on the basis of an overconcentration of students in the locality. The Community Council has identified 6,572 student beds within a fifteen minute walk of the site. The Community Council provided a similar objection response to the neighbouring student accommodation development at 7-11 Lower Gilmore Place. This was considered in the decision by the DPEA, where the Reporter stated that they did not believe a 15 minute walking distance represented a meaningful locality, given the significant area that it covered. This approach also does not acknowledge consented residential development within the same area.

Given the discussion outlined above, it is clear that the 'worst case' scenario is unrealistic. New residential units in the locality have been completed, development of others has been initiated and there have been recent planning consents for more. However, it does demonstrate that even with a degree of uncertainty relating to the continued use of the 2011 census, that the proposed development will not result in a student concentration above 50%. The proposal will not result in an excessive concentration of students within the locality.

The proposal complies with parts a) and b) of LDP policy Hou 8.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal has a developable area of approximately 0.11ha and is supported by this part of the guidance. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold. Criterion d) of the guidance states that student accommodation should comprise a mixture of accommodation types including clusters. No clusters are proposed in this case, however 29 cluster flats are provided within the student accommodation consented as part of the former St Joseph's Nursing home and 35 % of the student accommodation at the nearby Silk Mill student development is also in the form of clusters. Given the limited site size in this case and the presence of cluster flats in the surrounding area, this is acceptable in this case.

Employment land

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas.

The applicant has submitted a supporting Noise Impact Assessment (NIA) which has investigated the potential impact of noise generating sources on the amenity of future occupiers. A number of existing industrial/commercial uses will be removed if this development is consented, resulting in the removal of more problematic noise generating sources and replacing them with mostly residential type uses. The noise from remaining commercial units will not raise significantly above background noise levels and will not have a negative impact on the amenity of future occupiers. The NIA provided has been considered and accepted by the Council's Environmental Protection Team. The proposal will have no impact on the existing operations of neighbouring commercial businesses and does not conflict with the Agent of Change Principle.

The proposal will remove poor quality commercial buildings and introduce a high quality build, which is consistent with neighbouring development. The proposal will contribute to the ongoing regeneration of the Fountainbridge area.

As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless there will be a small element of employment uses maintained by way of the running and maintenance of the student housing block.

The proposal complies with LDP policy Emp 9.

Fountainbridge Development Brief

The Fountainbridge Development Brief, was prepared for the area in 2005. It does not form part of the LDP and provides guidance for new developments. A number of objections from the public have noted that the Development Brief does not specifically identify student accommodation as part of plans for redevelopment of the area. The Development Principles for the area state proposals should provide mixed use development including a local centre, residential, office, small business units, retail, leisure, community and tourist/visitor facilities. Although this proposal is for the formation of student accommodation which is not a use explicitly identified within the brief, it is consistent with the mix of uses expected to be delivered on site and is acceptable and as identified above, a large residential component of development has already been consented or delivered in the surrounding area.

The Brief identifies the application site as being within an area marked for redevelopment opportunity, to allow the formation of a quality urban environment that draws upon its distinct canal-side location. The brief states that in order to contribute to the overall objectives of the development brief for Fountainbridge, proposals should incorporate the following key components:

- Public realm improvement to enable creation of pedestrian priority environment within Lower Gilmore Place
- Visual permeability between Lower Gilmore Place and the waterspace
- Creation of high quality development to southern side of Lower Gilmore Place, as frontage to canal

The proposal will mirror the consented development to the east in terms of height, form and choice of materials. The use of gable roof forms links with the neighbouring development, creating a steady rhythm to the facade. The fenestration also links to the neighbouring building, providing large windows at ground level to activate the street frontage. The height is consistent with the neighbouring building and three to four storey buildings can also be identified elsewhere in the Fountainbridge area. The use of different coloured brick tones will add variation and break up the built form. A set back at ground level will allow the provision of planters to enhance the appearance of the street. The proposal provides level access to the site and proposes no car parking, ensuring that pedestrians and cyclists are prioritised.

The proposal will contribute to a coherent and attractive built form which will improve the setting of the canal and the wider area. The applicant has undertaken consultation with Historic Environment Scotland and Scottish Canals to discuss opportunities to improve a listed wall to the north of the site with the aim of improving visual permeability of the street. Although the Council acknowledges that the applicant has undertaken a level of engagement regarding future urban realm improvements around the site, this does not form part of this application.

The proposal complies with the general principles of the Fountainbridge Development Brief.

Principle conclusion

The proposal is acceptable in principle with reference to NPF policies 9, 14 and 16 as well as LDP objectives set out in policies Hou1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 5 and Des 7 to Des 8 also sets out requirements for new development in the City, and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Liveable places

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in Fountainbridge, Tollcross, Bruntsfield and Morningside. To allow sustainable living, the proposal facilitates active travel and is well-located for public transport to other parts of the City without the need to use a car. It introduces a distinctive building to replace poor quality, aging commercial units. With reference to safety, the proposal will be managed on site and the proposal will contribute to the passive surveillance of Lower Gilmore Place. It is conceivable that the proposal could be adaptable, in future, to accommodate a different use if necessary, however specific alternative uses are not identified by the applicant in the submission. With reference to distinctive design, this matter is considered further below within this report.

Design considerations

As noted above, the proposal references the roofscape, materials and fenestration of the development to the east, enhancing the canal-side residential aesthetic of Lower Gilmore Place. This façade activates the neglected streetscape with large ground floor glazing, setbacks and inhabited units with views out to the canal and over the street. The proposed development will bring a consistent, linear height, form and street edge to principal elevation of Lower Gilmore Place; whilst the use different colour tones will provide visual variation.

The rear elevations continue an established building line, with a projecting wing largely being masked by an existing commercial unit. At 9.9 metres in height, this element of the scheme is broadly in line with the height of 12 Lower Gilmore Place which is approximately 9.75 metres tall. This element of the scheme will not be visible from public view points on Lower Gilmore Place. The projecting stair echoes the tenement architecture and provides a division of the façade to break down its visual massing. To the East, the proposed building will adjoin the neighbouring building subtly, continuing the roofscape. To the West a gable end echoes the existing tenement gable.

The proposal introduces a well-designed and distinctive proposal that accords with NPF 4 policy 14 and LDP policies Des 1 (Design Quality and Context), Des 2 (Co-Ordinated Design), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design). The proposal will have a positive impact on the appearance of Lower Gilmore Place, whilst providing an attractive frontage to this part of the Union Canal in line with LDP Policy Des 10 (Waterside Development).

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

In terms of daylight, the nearest element of the proposed development to neighbouring properties is a projecting element on the east side of the building which is set approximately 18 metres from the nearest window on the outshot of 62 Gilmore Place to the south of the site. In general the proposed scheme is 22-33 metres from windows of neighbouring properties to the south. At these distances the proposed scheme complies with the 25 degree daylighting method set out in Edinburgh Design Guidance (EDG) and will not result in a loss of daylight to neighbouring windows.

In terms of sunlight, the Design and Access statement includes section drawings demonstrating that the proposed scheme complies with the 45 degree sunlight criterion set out in Edinburgh Design Guidance in relation to neighbouring gardens to the South of the site. There is an existing three storey building at 12 Lower Gilmore Place, which is approximately 9.75 metres tall. The proposed scheme will also introduce a three storey element here which will be 9.9 metres tall. Given the height of the proposed three storey element of the proposed scheme, the north-west orientation of the proposed scheme in relation to these neighbouring gardens and a separation of at least 9 metres from neighbouring boundaries, the proposed scheme will not overshadow these neighbouring gardens associated with properties on Gilmore Place.

Section drawings set out in the Design and Access Statement indicated that the proposed scheme marginally failed the 45-degree sunlight criterion when assessed against the garden of the neighbouring student accommodation to the east at 7-11 Lower Gilmore Place. However, further assessment has confirmed that given the separation between the neighbouring development to the east and the north-east orientation of the proposed development in relation to the potentially affected garden, there will be no loss of sunlight to the garden of the neighbouring student accommodation.

In terms of privacy, EDG states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. Window to window distances between the proposed development and neighbouring properties to the South ranges between 24-33 metres. This is consistent with the surrounding pattern of development and raises no concern in relation to potential overlooking.

The nearest window to the boundary of a neighbouring garden is approximately 10.5 metres away, whilst windows to the west side of the proposed development are up to 18 metres away from neighbouring gardens. These distances are also consistent with surrounding development. Reporters in two previous appeals relating to the neighbouring site at 7-11 Gilmore Place have both noted that there is a high degree of overlooking on the gardens of Gilmore Place from other residents at properties on Gilmore Place. Given the separation of the proposed scheme from neighbouring boundaries to the south, it is concluded that the proposed scheme will not increase overlooking beyond that already experienced.

The applicant has submitted a supporting Noise Impact Assessment (NIA) which has investigated the potential impact of noise generating sources on the amenity of future occupiers. A number of existing industrial/commercial uses will be removed if this development is consented, resulting in the removal of more problematic noise generating sources and replacing them with mostly residential type uses. The noise from remaining commercial units will not raise significantly above background noise levels and will not have a negative impact on the amenity of future occupiers. At this stage no data for plant or internal lifts has been provided and this will be finalised as part of a future Building Warrant application.

CEC's Environmental Protection Team has considered the NIA submitted and has no objection to the scheme subject to a condition requiring specific details of the acoustic glazing and trickle vents required for protecting the occupiers of the residential units from road traffic noise. A pre-commencement is also included requiring the provision of specific details of plant equipment and any noise mitigation measures required to protect the amenity of both future occupiers and existing residential neighbours.

For future residents, the proposal provides a suitable level of external amenity space with garden ground accounting for 220 square metres of the site, representing 20 percent of the total site area. This is complimented by 130 square metres of internal amenity space. The site is within walking distance of Bruntsfield Links and the Meadows to the east and is also close to Harrison Park to the west.

There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes ranging between 20 square metres and 34.5 square metres are in line with other student accommodation developments in the city. The applicant submitted assessments with regard to noise impact, and daylight and sunlight and as outlined above, the scheme complies with the requirements set out in EDG in this regard. Future occupiers will experience a similar level of amenity as that associated with other developments in the surrounding area. The proposal does not represent overdevelopment of the site.

Future residents are provided with good quality accommodation overall. In respect of amenity the proposal provides an acceptable standard in the context of LDP policy Des 5, NPF 4 policy aspirations for liveable places and health and safety, and the EDG.

Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

Drainage

The application site is not within an area identified as at risk of flooding. A Surface Water Management Plan has been submitted by the applicant. This has been considered by, and accepted by, the Council's Flood Planning Team. Scottish Water comments offer no objection to the proposal. In addition to the above noted NPF 4 policies, the proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

A supporting bat survey was submitted and confirms no protected species are present at the application site. The area surrounding the site has low suitability to be used by a limited range of bat species for roosting, foraging, and commuting.

The application site is currently dominated by the existing commercial buildings and hardstanding. The proposed development will introduce green space including lawn, raingarden planting, new planters and ten new trees. This will have a positive impact on biodiversity.

Energy and sustainability

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale.

Sustainability statements are set out in the Design and Access Statement and Planning Statement provided by the applicant. The proposed building will be constructed to a level that meets the current building regulations in terms of external wall thermal insulation and air leakage. The proposal to use brick as the primary wall cladding material is inherently sustainable and provides an external wall build-up that is rated A+ in the BRE Green Guide to Specification. The applicant has identified that as part of the scheme it is proposed to include an array of rooftop photovoltaics, thereby providing a sustainable energy source on the site.

The proposal complies with the aims of NPF 4 and detailed building design methods will be subject to Scottish Building Standards.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with refuse stores at the ground floor and in an external store, and these will be capable of providing bins for future residents for mixed, food and glass recycling. Waste collection would be privately managed for the proposed development with collections on a weekly basis.

It is also proposed that the existing bin store for the adjacent development at no.7-11 is removed and the refuse provision for both developments is combined into one store. This will reduce the carbon impact of the proposed development.

The proposal is consistent with the waste hierarchy and complies with NPF policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

Transport

The applicant proposes no car parking on the site. The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. National Cycle Route 75 passes along the site frontage (Lower Gilmore Place) and it is well linked to the various university campuses and range of amenities and services. The site is well served by public transport. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys, and the Roads Authority has not objected to the proposed arrangement.

80 bicycle parking spaces are proposed. The location and number of bicycles that can be accommodated complies with the Council's parking standards and cycle parking fact sheet C7. No specific guidance is given in relation to student accommodation. However, page 14 of fact sheet C7 relating to long stay residents within flats states that no more than 80% of cycle parking spaces should be of one type. The guidance further recommends that at least 20% of cycle parking shall be suitable for use by non-standard bicycles (such as adapted bikes, tandems, cargo bikes and bike trailers). Page 32 of the guidance recommends that where possible two-tier racks should make up no more than fifty percent of cycle storage provision. However, the use of two tier racks is identified as suitable for constrained sites.

In this case 70 cycle parking spaces are provided in the form of two-tier racks. This represents 87.5% of the total provision. The Easi-Riser racks which are proposed in this case will provide Sheffield Stands at ground level for 35 bikes, whilst a further 35 spaces will be provided on upper level racks. The Easi-Riser system proposed includes a gas strut mechanism to assist with lifting. 10 non-standard bikes are accommodated for across the site, with four in the main storage area, and six in the pend. These are extra length 1.5m long Sheffield hoops, as advised in the guidance.

Given the limited size of the site in this case, the use of two tier racks to provide more than fifty percent of the cycle parking provision is acceptable. The applicant considered different layouts and cycle parking types in order to limit the use of two-tier racks to fifty percent, this included the use of Cobra bike stands. However, these options were rejected by the Council's Active Travel Team and Transport Planning. The design of the racks and the space within the site to accommodate them was not considered appropriate and also limited available amenity space for future occupiers.

The applicant has provided ten non-standard spaces in this case on the basis that it is less likely that a student is going to have a non-standard bike such as a tandem, courier or child cart. The applicant has taken cognisance of the fact that four rooms within the scheme are specifically designed for wheelchair users and people with other mobility issues. The ten spaces provided can therefore accommodate adapted bikes for those four rooms, plus another six.

The proposal accords with LDP policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) and the Council's parking standards in terms of numbers. A deviation from guidance in terms of the type of cycle parking provided is considered justified in this case. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

Ground conditions

Due to the previously developed nature of the site, a condition is attached 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.

Built heritage and archaeology

The site lies adjacent to the southern bank of the Union Canal, a Scheduled Ancient Monument. National Planning Framework 4 Policy 7 intends to protect the historic environment, and criterion h) states that development proposals affecting scheduled monuments will only be supported where significant adverse impacts on the integrity of the setting of a scheduled monument are avoided.

The applicant has undertaken a desk based archaeological assessment of the site which outlines that the proposed development will not have a significant impact on the setting of the ancient monument. HES has no objection to the scheme and agrees that it will not impact the setting of the monument.

In consultation comments, the City's Archaeological Service (CECAS) has indicated the existing buildings on site are not considered historically significant to warrant their retention. Their demolition is nevertheless considered to have an adverse archaeological impact. Accordingly, it is recommended that a historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) of these surviving buildings is undertaken prior to and during their demolition. This is required to provide permanent records of these industrial/commercial buildings.

Subject to the recommended condition, the proposal complies with the aims and intentions of NPF 4 policy 7.

Infrastructure first

Health services

The application site is within the Polwarth Healthcare Contribution Zone. In Line with the Developer Contribution and Infrastructure Delivery Supplementary Guidance, contributions are required to facilitate the refurbishment of Tollcross Health Centre to mitigate the impact of ongoing residential development within the CC 3 area.

A contribution rate of £11.34 per student bed is set out in guidance. For this 80 room scheme this results in a required contribution of £907.20. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973 or through Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) as appropriate.

Objections have expressed concern about the potential for 80 new residents to place pressure on local services. It is anticipated that users of the site would support local businesses in the same way as any other residents in the area. The proposal could have a beneficial economic impact in this regard.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

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. The proposal provides level access to the site, four accessible rooms are included within the development in line with Building Regulations. Internal lifts will provide access to all floors.

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

Public representations

The application received 70 objection comments. This includes objections from Tollcross Community Council and the Gilmore Place and Lochrin Residents Association. These comments are summarised below.

Material objections

- Excessive concentration of students/approach not sustainable/increase in transient population; this is addressed in section b).
- No parking provided and cycle parking not adequate; this is addressed in section b).

- Developer should improve pavements; this is addressed in section b).
- Loss of privacy/light; this is addressed in section b).
- Excessive height; this is addressed in section b).
- Contrary to Fountainbridge Development Brief; this is addressed in section b)
- Negative impact on streetscape; this is addressed in section b)
- Noise Impact; this is addressed in section b)
- Detrimental impact on the Conservation Area; This is addressed in section a) and b).
- Detrimental Impact on the Scheduled Monument; this is addressed in section b).
- Lack of amenity space; this is addressed in section b).
- Overdevelopment; this is addressed in section b).
- Loss of workshops; this is addressed in section b).
- Proposal only includes studio rooms; this is addressed in section b).
- Elements of neighbouring site are included as part of this proposal; this addressed in section b).

Non-material objections

- Preference for social or affordable housing at this site - the applicant has not proposed this form of development.
- Applicant has deviated from plans on neighbouring site; applicant has all consents in place for neighbouring site and this has no bearing on this application.
- No sustainability statement; a sustainability statement is set out in the Design and Access statement and also within the Planning Statement provided by the applicant.
- Does not comply with City Plan 2030; as noted in section c) City Plan 2030 has not been adopted and is not a material consideration in the assessment of current planning applications.
- Public representation period was too short; neighbour notification was carried out in line with relevant legislation and an extension was granted for late representations upon request.
- Shops cater for students; this is not a planning matter.
- Cost of student accommodation. This is not a material planning matter.
- Accommodation will be used for short term letting; the application is not for short term letting.
- Health implications for residents linked to continued development of brownfield sites; construction associated with consented development is permitted development. The application site is not within an Air Quality Management Area. Environmental Protection were consulted and did not object on air quality grounds.
- Non-payment of council tax by students which deprives the Council of investment in public infrastructure. This is not a planning matter.
- Integrity of developer; this is not a planning matter.
- Anti-social behaviour in area; this is not a planning matter.
- Decrease in property prices; this is not a planning matter.

Community Council comments

Tollcross Council submitted comments objecting to the proposal. These are summarised below:

- Over concentration of student accommodation in the area; this is addressed in section b).
- Development does not deliver mixed use development aspiration of masterplans and briefs for the area; this is addressed in section b)
- Creating transient population; this is addressed in section b)
- Location near to some campus buildings but not a wider range; this is addressed in section b)
- Residential development should be included; the application has been assessed on its own merit in line with policies set out in the Development Plan.

Conclusion in relation to identified material considerations

No equalities or human rights issues were identified in the assessment of the proposal. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

Overall, the proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards healthcare infrastructure the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. 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. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- i) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. Development shall not commence until specific details of the acoustic glazing and trickle vents required for protecting the occupiers of the residential units hereby consented from Lower Gilmore Road transport noise has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
5. Development shall not commence until specific details of any proposed plant noise mitigation measures required for protecting the occupiers of the residential units (and existing residential units) hereby consented from new plant noise has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. To safeguard public health.
4. To safeguard the amenity of future occupiers.

5. To safeguard the amenity of future occupiers.
6. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The application site is within the Polwarth Healthcare Contribution Zone. In Line with the Developer Contribution and Infrastructure Delivery Supplementary Guidance, contributions are required to facilitate the refurbishment of Tollcross Health Centre to mitigate the impact of ongoing residential development within the CC 3 area.

A contribution rate of £11.34 per student bed is set out in guidance. For this 80 room scheme this results in a required contribution of £907.20. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973 or through Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) as appropriate.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant shall investigate the installation of further renewable energy technology and storage to ensure no fossil fuels are required to service heat and energy demands for the units.
5. Construction Mitigation
 - a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
 - b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

- c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - h) No bonfires shall be permitted.
6. The applicant should consider the provision of one car club vehicle in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required
 7. All existing vehicular access fronting the proposed development will be required to be replaced by raised footway.
 8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
 9. 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 December 2022

Drawing Numbers/Scheme

01A-12A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objection to the proposed development subject to conditions requiring site investigation/remediation, provision of acoustic glazing and trickle vent specifications and any further details of plant noise mitigation measures for protecting future occupiers.

DATE: 15 March 2023

NAME: Flood Planning

COMMENT: No objection.

DATE: 24 February 2023

NAME: Scottish Water

COMMENT: There is sufficient capacity to service the development. Specific surface water arrangements will be assessed in a separate application to Scottish Water.

DATE: 30 March 2023

NAME: Historic Environment Scotland

COMMENT: We would agree with the conclusion outlined in paragraph 6.2.3 of the archaeological desk-based assessment that accompanies the application. The proposed development would not have any significant impact on the setting of the above scheduled monument.

DATE: 19 December 2023

NAME: Scottish Canals

COMMENT: There are several residential moorings along the length of the wharf opposite the application site. The privacy for these moorings is achieved via the existing brick-built wall, which is owned by Scottish Canals. Visualisations in the Design Statement show changes to this wall, including sections of down takings and a change in materiality; such a permeable option wouldn't be viable and will not be supported by Scottish Canals.

DATE: 15 March 2023

NAME: Archaeologist

COMMENT: No objection, subject to condition requiring programme of archaeological works.

DATE: 9 January 2023

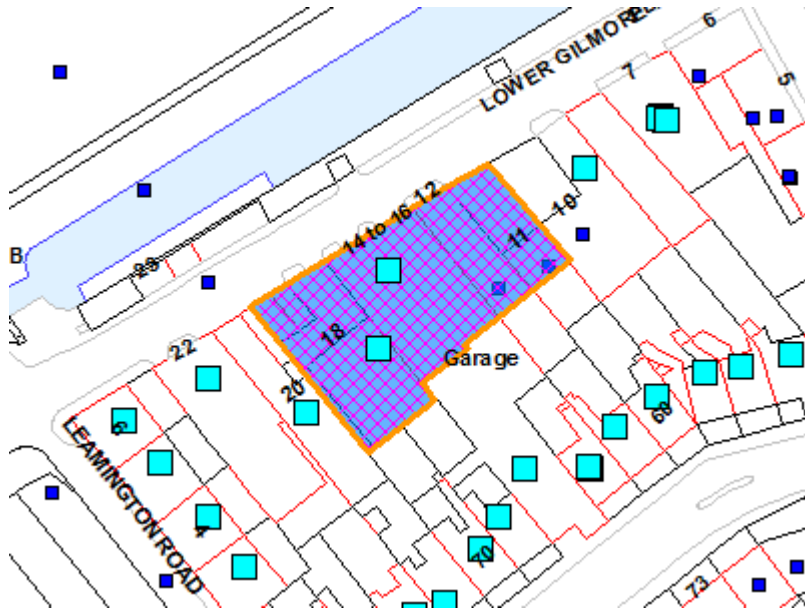
NAME: Transport Planning

COMMENT: No objection to the proposal.

DATE: 20 February 2023

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

Location Plan



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