

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 9th August, 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.

Contacts

Email: taylor.ward@edinburgh.gov.uk / jamie.macrae@edinburgh.gov.uk

1. Order of business

1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 7th August 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 24th May 2023 – submitted for approval as a correct record | 11 - 30 |
| 3.2 | Minutes of Previous Meeting of Development Management Sub- | 31 - 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

- 4.1 Application for Proposal of Application Notice - 79 Myreside Road, Edinburgh, EH10 5DB - Proposal: Installation of 3 artificial grass sports pitches, associated warm up area, floodlighting, fencing, areas of hardstanding and infrastructure. Formation of pick up /drop off area, associated parking provision and access arrangements - application no. 23/02083/PAN - Report by the Chief Planning Officer 57 - 60

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

Applications

- 4.2 6 Circus Lane Edinburgh EH3 6SU - Change of use to short term let for the month of August - application no. 23/02339/FULSTL - Report by the Chief Planning Officer 61 - 70

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

- 4.3 27 Dunedin Street Edinburgh EH7 4JG - Change of use of existing building from van and car hire depot (Sui Generis) to gym (Class 11) - application no. 23/01088/FUL - Report by the Chief Planning Officer 71 - 78

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

- 4.4 1 East Scotland Street Lane (Drummond Tennis Club), Edinburgh EH3 6PR - application no. 23/00838/FUL - Report by the Chief Planning Officer 79 - 88

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

- | | | |
|------------|--|-----------|
| 4.5 | 74 Eyre Place & 49 - 51 Eyre Place (Land 20 Meters North-east Of), Edinburgh EH3 5EY- application no. 23/01201/FUL- Report by the Chief Planning Officer | 89 - 110 |
| | It is recommended that this application be GRANTED . | |
| 4.6 | 106 Magdalene Drive (Brunstane Primary School), Edinburgh EH15 3BE - Two double-storey classroom blocks and a single-storey WC block to provide temporary facilities at Brunstane Primary school for up to 2 years. Buildings will be sited within the school grounds - application no. 23/02384/FUL - Report by the Chief Planning Officer | 111 - 118 |
| | It is recommended that this application be GRANTED . | |
| 4.7 | 106 Magdalene Drive (Brunstane Primary School), Edinburgh EH15 3BE - Fabric upgrades including new external render and cladding systems, and new windows. New heating and ventilation system including air source heat pump and mechanical ventilation with heat recovery. This includes external plant equipment. Proposals also include improvements to building accessibility and minor internal alterations and enhancements to internal user comfort. Brunstane Primary School is a pilot retrofit project to target near net zero operational carbon emissions by 2035 - application no. 23/02395/FUL - Report by the Chief Planning Officer | 119 - 126 |
| | It is recommended that this application be GRANTED . | |
| 4.8 | 3 Waverley Bridge (Roof Terrace, Waverley Mall), Edinburgh - Pop-up Festival Village including erection of structures and provision of cafe, bars, food, and drink uses, toilets, seating and ancillary facilities and works - application no. 23/02154/FUL - Report by the Chief Planning Officer | 127 - 150 |
| | It is recommended that this application be REFUSED . | |

5. Returning Applications

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

and discussion on each item.

- 5.1** Saughton Mains Gardens (Land At), Saughton - Residential and commercial development on brownfield site including demolition of existing commercial units. Resubmission relating to 20/01318/FUL - application no. 21/04598/FUL - Report by the Chief Planning Officer 151 - 152
- It is recommended that this application be **GRANTED**.
- 5.2** 26 Tolbooth Wynd (1 Linksvie House), Edinburgh - Demolition of single storey and three storey blocks of flats, 25 garage lock ups and plinth area with undercroft parking. The construction of 35 new build residential units and amenity space, communal external space with associated roads, footpaths and landscaping which includes updated public space /landscaping in the surrounding area. Alterations to be made to the base of the Grade A listed Linksvie House (as amended) - application no.18/08051/FUL - Report by the Chief Planning Officer 153 - 156
- 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** Granton Harbour, West Harbour Road, Edinburgh - application no. 23/00756/FUL - Protocol Note by the Service Director - Legal and Assurance 157 - 160
- 6.2** Granton Harbour, West Harbour Road, Edinburgh - Application under section 42 of the Planning Act to amend conditions 1a and 1b of approval PPA-230-2253 (18/01428/PPP), to extend the duration of the permission for three years to 20th June 2026 - application no. 23/00756/FUL - Report by the Chief Planning Officer 161 - 196
- It is recommended that this application be **REFUSED**.
- 6.3** 22 Inglis Green Road, Edinburgh - Application no. 22/02233/FUL 197 - 200

- Protocol Note by the Service Director - Legal and Assurance

- 6.4** 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 201 - 224

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

7. Applications for Detailed Presentation

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

- 7.1** None.

8. Returning Applications Following Site Visit

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

- 8.1** None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalglish, Councillor Neil Gardiner, Councillor Tim Jones, Councillor Martha Mattos Coelho, Councillor Amy McNeese-Mechan, Councillor Joanna Mowat and Councillor Alex Staniforth

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 meeting will be held in the Dean of Guild Court Room and by Microsoft Teams and will be webcast live for viewing by members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email taylor.ward@edinburgh.gov.uk / jamie.macrae@edinburgh.gov.uk.

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 24 May 2023

Present:

Councillors Osler (Convener), Beal, Booth, Cameron, Dalgleish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat (1.1 – 7.1 (Decision 1)) and O'Neill.

1. 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.

Request for Hearing

Ward Councillor Faccenda requested a hearing in respect of Item 7.1 – 23 Water Street, Edinburgh, EH6 6SU - application no. 22/06426/FUL.

Decision

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

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

2. 15 Dalkeith Road, Edinburgh

The Chief Planning Officer had identified three linked applications to be dealt with by means of a hearing: 1) planning permission for the selective demolition, adaptation, extension and upgrading of Class 4 office building, demolition of car park and ancillary buildings and proposed development of residential accommodation with associated landscaping, parking and infrastructure (as amended) at 15 Dalkeith Road, Edinburgh, EH16 5BH - application no. 22/04766/FUL; 2) listed building consent for the selective demolition, adaptation, extension and upgrading of Class 4 office building, demolition of car park and ancillary buildings and proposed development of residential accommodation with associated landscaping, parking and infrastructure at 15 Dalkeith Road, Edinburgh, EH16 5BH - application no. 22/04768/LBC; 3) conservation area consent for the demolition of the Jointers' Workshop at 15 Dalkeith Road, Edinburgh, EH16 5BH - application no. 22/04769/CON.

(a) (i) Report by the Chief Planning Officer - application no. 22/04766/FUL

The proposal was for the demolition of five out of the twelve modules of the existing office building and the undercroft car park. The remaining structure would be adapted,

extended and upgraded to form office accommodation comprising 19,252 square metres in gross internal floor area, including an ancillary café, creche and cycle store.

A residential development comprising 174 apartments in five separate blocks would be erected on the remainder of the site, including associated landscaping, parking and infrastructure.

Demolitions/Alterations of Existing Buildings

The five modules to be demolished (Modules 8-12) constituted the north section of the existing office building.

The seven retained modules (Modules 1-7) on the building's south section would be extensively altered and upgraded.

Externally, the glazed curtain wall system would be removed and replaced. The new system would be constructed primarily with tinted, opaque glass panels with openable windows on the upper levels. The proposed framing would largely replicate the uniform mullion pattern of the existing and would be constructed in Polyester Powder Coated (PPC) aluminum with dark bronze toned mullions and transoms.

The lower section of the module used as the reception area (Module 1) would be extended slightly with the same detailing, except for clear, butt-jointed glazing replacing the existing aluminum framed, clear glazing. The supporting columns over the pond and bridge leading to the front entrance would be retained with the formation of a larger entrance platt.

The roof structure of the module at the building's west corner (Module 4) would be removed and an additional storey will be added in matching design and materials. Half the roof of Module 3 in the central area of the building would be removed to incorporate a large sky light.

The undercroft car park and energy centre/boiler house in the north-east section of the site would be demolished.

Sections of the existing stone boundary wall and railings would be removed to form new vehicular/pedestrian accesses from Holyrood Park Road and Parkside Terrace.

New Buildings/Layout

Five new residential apartment blocks (Blocks A to E) would be erected in the north-eastern half of the site.

Proposed Blocks A, B and C on the eastern edge of the site are hexagonal in form and would be set back an equidistant distance from Holyrood Park Road. The two outer blocks (A and C) would be six storeys high, whilst the middle block (B) would be seven storeys in height.

Two 'L-shaped' buildings (Blocks D and E) would be constructed near Parkside Terrace and East Parkside respectively. Block D would be five storeys high at the west edge stepping down to four storeys in the centre of the site. Block E, to the north of this block, would be similarly shaped and six storeys high throughout.

The external walls of these buildings would be constructed mainly in bronze toned metal cladding and the windows, external doors and balcony balustrades would be formed in

dark-grey finished metal.

Each roof would contain a blue roof system with soft planting, as well as plant equipment and photovoltaic (PV) panels.

The proposed layout included a landscaped courtyard in the centre of the site. This would be accessed from Parkside Terrace and Holyrood Park Road by new pedestrian routes and a shared through road.

Accommodation Schedule

Block A: one-bedroom x 1, two-bedroom x 2, three-bedroom x 21 = 24

Block B: one-bedroom x 1, two-bedroom x 1, three-bedroom x 26 = 28

Block C: one-bedroom x 1, two-bedroom x 1, three-bedroom x 22 = 24

Block D: one-bedroom x 1, two-bedroom x 12, three-bedroom x 27, four-bedroom x 1 = 41

Block E: (affordable) one-bedroom x 25, two-bedroom x 29, three-bedroom x 3 = 57
(33% of total residential units)

Total: one-bedroom x 29, two-bedroom x 45, three-bedroom x 99, four-bedroom x 1 = 174

Landscaping/Amenity

The existing landscaping would be retained around Modules 1 to 7, except for the formation of a new external plant area to the immediate left of the existing vehicular entrance and an accessible ramp from Dalkeith Road.

Significant areas of new soft and hard landscaping were proposed on the north-eastern half of the site, including a garden-like zone in the central area of the site.

A total of 47 trees would be felled out of the existing 71 individual trees on the site and 81 new trees are proposed comprising mostly semi-mature, 18-20cm girth or 2.5-3m high multi-stem. These include locally successful species suited to the site context with emphasis on native species as key habitats for birds and invertebrates.

The proposed low-planting scheme included evergreen blocks with limited foliage and flowering palettes around the office, hornbeam and laurel hedging to screen the ground floors of the residential flats and hardy, low-maintenance, evergreen groundcover with berries and flowers in the north-eastern part of the site.

The proposed hard landscaping would retain the original features in the front section of the site and the existing boundary walls and railings, with minor modifications for access. The proposed palette included re-use of the existing hard surfacing and walling materials. Surfaces would be generally permeable to form part of the surface water drainage strategy, including permeable block paving, resin bound gravel and reclaimed sandstone flags from the site. The retaining walls around the new amphitheatre would be clad in Yorkstone and the retaining walls between blocks B and D and A and E would be faced in shuttered concrete. Steps will be of pre-cast concrete construction with stainless steel handrails and tactile paving would be employed on potentially hazardous areas throughout. The site furniture would include timber topped benches with solid concrete or steel bases and some will be integrated with planter walls.

A central play area would be created with sculptural natural elements, including existing

boulders from the site and the section to the north of Block E would include a play trail with equipment formed in natural materials.

All flats in Blocks A, B and C would have small external terraces. The majority of flats at ground floor level in Blocks D and E would have small private, soft landscaped gardens and most upper flats at the ends of these blocks would have small external terraces with larger roof terraces for two flats in Block D. Otherwise, the external amenity areas comprised a series of landscaped residential courtyards with different characteristics.

Lighting

No details of the proposed lighting scheme had been included with this application, so a condition had been applied to ensure that the proposed fixtures and fittings were appropriately located and detailed.

Access

Pedestrian access to the office would remain mainly unchanged from the existing arrangement, with the addition of an accessible ramp to connect with the main bridged entrance from Dalkeith Road and inclusion of shared cycle access to new visitor cycle parking. There were two accessible routes to the office courtyard from the office building and new car park. A network of pedestrian routes would be formed within the new development, with gradients of less than 1:20 where possible and new entrance points would be formed in Parkside Terrace and Holyrood Park Road. These pedestrian routes included an accessible shared route to the lower level (north-east area of the site) from Holyrood Park Road.

All cycle routes through the site were shared with pedestrians and vary in width from 2.5-3 metres with gradients shallower than 1:20.

A one-way shared route would be created connecting Parkside Terrace and Holyrood Park Road, providing access for refuse, emergency and servicing vehicles.

Bus services to and from the city centre could be accessed from Dalkeith Road, at the Commonwealth Pool and near Parkside Terrace and from Newington Road/South Clerk Street which was a three-minute walk from the site.

The site was alongside a proposed pedestrian and cycle route (QuietRoute 30) from Holyrood Park Road to Ratcliffe Terrace, which included a segregated cycleway on Holyrood Park Road.

Waste Strategy

Refuse would be collected from four bin stores at ground level located throughout the residential blocks and at lower ground level within the office building. These stores would contain a range of bin sizes and types for separate mixed, glass and food recycling, in addition to residual waste.

Car/Cycle Parking

Office Development

A total of 29 car parking spaces were proposed including 3 accessible bays, and 9 motorcycle spaces.

Most of these spaces (25, plus the motorbike spaces) would be located at courtyard

level, in a new undercroft car park to the rear of Module 6, with ramp access from Holyrood Park Road. The remaining 4 spaces (including 1 of the accessible spaces) would be at ground floor level outside Module 6. All spaces would be fitted with EV charging points.

The proposed cycle parking provision for the office comprised a total of 170 spaces: 52 on semi-vertical racks, 44 on Sheffield stands, 27 non-standard spaces, 26 E-bike stands and 21 lockers for folding cycles. These would be located at courtyard level in Module 4, along with shower/changing facilities and a cycle repair station.

An additional 20 visitor cycle spaces would be provided for the office on 10 Sheffield stands at ground level, near Module 1 (accessed from Dalkeith Road) and outside Module 6.

Residential Development

A total of 117 car parking spaces were proposed, including 12 accessible bays and 9 motorcycle spaces. All spaces would be fitted with EV charging points.

The proposed residential cycle parking provision comprised a total of 469 bicycle spaces, including 324 on two-tier racks, 43 on Sheffield stands, and 102 non-standard spaces.

An additional 34 visitor cycle parking spaces would also be provided on 17 Sheffield stands, located externally near the entrances of each apartment block.

Most of this parking (except for the 2 accessible spaces outside Block B, and the visitor cycle racks) would be accommodated in a new two-level undercroft car park, accessed from Holyrood Park Road. Five separate cycle stores are proposed: four on the larger upper level and one on the level below.

Scheme 1

The original scheme proposed:

- a different curtain wall pattern and detailing for the office building;
- Blocks A, D and E one storey higher: seven storeys; six/five storey's and seven storeys respectively;
- Block B one storey lower (six storeys);
- 194 residential flats, including 68 affordable (35%)
- minor changes to the mix of housing in Blocks A-D;
- two fewer one-bedroom flats in Block E and
- 6 more car parking spaces and zero non-standard cycle parking spaces.

An associated application for listed building consent (reference 22/04768/LBC) had been submitted for the proposed demolitions and alterations of the listed structures on the site.

The proposed substantial demolition of the Joiners' Workshop was the subject of the associated application for conservation area consent (reference 22/04769/CON).

Supporting Information

- Pre-application Consultation Report;
- Heritage Statement;

- Planning Statement and Addendum;
- Design and Access Statement and Addendum;
- Townscape and Visual Appraisal and Addendum;
- Existing Building Performance Review Report (ARUP);
- Report on Suitability for Occupier Occupation;
- Economic Impact Assessment;
- Sustainability Form S1;
- Sustainability Statement;
- Surface Water Management Plan;
- Air Quality Impact Assessment;
- Ecological Assessment;
- Tree Survey;
- Landscape Planting Schedule;
- Landscape Maintenance Plan;
- Accommodation Schedule;
- Affordable Housing Statement and Addendum;
- Noise Impact Assessment;
- Daylight and Sunlight Availability Report and Addendum;
- Transport Statement;
- Swept path analysis and
- Waste Management information.

The application had been screened for an Environmental Impact Assessment (EIA) and no EIA was required.

(ii) Report by Chief Planning Officer - application no. 22/04768/LBC

The proposal was for the demolition of five out of the twelve modules of the existing office building and the undercroft car park. The remaining structure would be adapted, extended and upgraded to form office accommodation comprising 19,252 square metres in gross internal floor area, including an ancillary café, creche and cycle store.

Demolitions/External Alterations

The five modules to be demolished (Modules 8-12) constituted the north section of the existing office building.

The seven retained modules (Modules 1-7) on the building's south section would be extensively altered and upgraded.

Externally, the glazed curtain wall system would be removed and replaced. The new system would be constructed primarily with tinted, opaque glass panels with openable windows on the upper levels. The proposed framing would largely replicate the uniform mullion pattern of the existing and will be constructed in Polyester Powder Coated (PPC) aluminum with dark bronze toned mullions and transoms.

The lower section of the module used as the reception area (Module 1) would be extended slightly with the same detailing, except for clear, butt-jointed glazing replacing the existing aluminum framed, clear glazing. The supporting columns over the pond and bridge leading to the front entrance would be retained with the formation of a larger entrance platt.

The roof structure of the module at the building's west corner (Module 4) would be removed and an additional storey would be added in matching design and materials. Half the roof of Module 3 in the central area of the building would be removed to incorporate a large sky light.

The undercroft car park and energy centre/boiler house in the north-east section of the site would be demolished.

Sections of the existing stone boundary wall and railings would be removed to form new vehicular/pedestrian accesses from Holyrood Park Road and Parkside Terrace.

Internal Alterations

The proposed internal adaptations to the building were associated with the aims of improving the interior's legibility and the retention, restoration and enhancement of existing original features. These works included the following:

- the formation of a full-height, central circulation core in Module 3 with concrete connecting walkways, and a feature spiral hanging stair and internal, irrigated, green wall;
- the hanging stairs in Modules 3 and 9, including the Yorkstone clad walling in the stairwells, would be relocated to new small stair cores in Module 5, but with replacement handrails and barriers;
- the existing steel "Management" stair located in the reception area (within Module 1) would be relocated to a new café in Module 7, along with its original decorative features;
- the relocation of the original double doors, and any original panelling remaining within the Boardroom at third floor level in Module 3, to first floor level to decorate the back wall of the office floor in Module 1; and
- areas of original Yorkstone cladding in various locations will be relocated in Module 1 (along with the commemorative opening inscription within the former staff restaurant), at courtyard and lower ground level as wall surfaces within the proposed circulation spaces, in the new café and within the landscaping (including around the amphitheatre outside Module 7).

Elsewhere the internal alterations involve the erection of new partitions to form a cycle store and changing facilities at lower ground level within Module 4, and other limited partitioning associated with the formation of new café and other facilities within other multi-function areas.

Non-original ceilings and partitions will be removed across all floors.

Scheme 1

The original scheme proposed:

- a different curtain wall pattern and detailing for the office building and
- less salvage and re-use of original internal materials within the new office.

An associated application for planning permission had been submitted for the erection of a new residential development comprising 174 apartments in five separate blocks on the remainder of the site, including associated landscaping, parking and infrastructure (reference 22/04766/FUL).

The proposed substantial demolition of the Joiners' Workshop was the subject of the associated application for conservation area consent (reference 22/04769/CON).

Supporting Information

- Heritage Statement;
- Planning Statement and Addendum;
- Design and Access Statement and Addendum;
- Townscape and Visual Appraisal and Addendum;
- Existing Building Performance Review Report (ARUP);
- Report on Suitability for Occupier Occupation and
- Economic Impact Assessment

(iii) Report by Chief Planning Officer - application no. 22/04769/CON

The application was for the substantial demolition of the Joiners' Workshop, retaining the front gable wall (propped up by a steel structure to the rear) and reconstruction of a short section of the flanking wall and roof behind the crowstepped gable facing Holyrood Park Road.

The existing slates would be reused to cover the part reconstructed roof, and a new stone gable wall would be erected to support this reconstructed section of roof and flanking wall. The rear stone walls of the Workshop would also be retained or reinstated to boundary wall height as reasonably practicable, and the existing brick wall at the northern end would be reduced in height for stabilisation purposes.

Scheme 1

The original scheme proposed full demolition of the Workshop.

An associated application for planning permission had been submitted for the erection of a new residential development comprising 174 apartments in five separate blocks on the remainder of the site, including associated landscaping, parking and infrastructure (reference 22/04766/FUL).

A parallel application for listed building consent (reference 22/04768/LBC) had been submitted for the proposed demolitions and alterations of the listed structures on the site.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Southside Community Council

Mr Philip McDowell addressed the Development Management Sub-Committee on behalf of Southside Community Council. Mr McDowell indicated that the Community Council

was supportive of family housing and of the aim of the proposals, but there was concern about some aspects of this. Affordable housing was required and this was included in the proposals, but the proposals were not tenure neutral. There were concerns about the mass of the new residential blocks, which were excessively large, dark, oppressive and high, especially on the Northeast part of the site. There were further concerns about the impact on local facilities, such as health and education. Additionally, there was unease about the felling of mature Class B trees and although it was intended to plant new trees, the community would suffer from the loss of these mature trees in the meantime. It was also hoped if the trees were to be felled, that the timber would be put to good use. There were further concerns about the view along Holyrood Park Road as certain blocks, close to the road, would dominate the view. However, if some of the trees were retained, this would help to provide mitigation and make a big difference to the way the new development was perceived.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

East Parkside Residents

Dr James Gilmour addressed the Development Management Sub-Committee on behalf of East Parkside Residents. Dr Gilmour indicated that he had no comments to make about the office building, but was strongly opposed to the revised housing proposals. He referred to the northern part of Section 1, which showed the east side park buildings there, which comprised of a block of 4 storey flats, and the proposed new development to the south. There were concerns about the excessive height of the existing office building and that the new building would be 3 storeys higher than the line of the topmost flats in the East Parkside blocks. There was a great deal of structure in the foreground, but minimal visual impact because it was covered by greenery, but the proposals would change this. At its closest, the building would be only 28 meters from the East Parkside Blocks. Both the height and the dark facades of the new buildings would add to the adverse impact and this was out of character with the area. The North Wall of the Jointers Workshop was owned by the proprietors of the East Side Park Development. He supported the partial demolition of the existing office building as part of it had been subject to subsidence and could not be rendered safe. The developers proposed to retain the gable facing Holyrood Park Road, and both the wall in the nearer foreground and the wall beyond that would be reduced in height. When the gable was retained, there would be supporting structure inside it and the North Wall would be reduced. Although the retention of the gable wall would supposedly contribute to the conservation area, it would be completely overwhelmed by the buildings behind it. Members should also consider impact that the black facades would have on the area.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Scotland's Garden and Landscape Heritage

Mr Matthew Benians addressed the Development Management Sub-Committee on behalf of Scotland's Garden and Landscape Heritage (SLGH). Mr Benians indicated that he would represent the views of Scotland Garden and Landscape Heritage. Explaining their role, he indicated that Dame Sylvia Crowe had been the leading force in the development of changing landscapes and the landscape profession of Britain. She was key to providing practical guidelines for designers involved in various aspects of landscape architecture and her aim was to create a simple landscape that could fade into the surrounding countryside. Details were provided of her extensive work in this regard. The entrance from Dalkeith Road was a confident expression of landscape design. SGLH had had undertaken a review of the planning documents and they supported the recommendations for a holistic, evidence-based approach and for the preparation of a conservation plan. If the members thought that the only way to retain this was to agree to its partial demolition and change to residential, that the Sylvia Crowe designed landscape, associated with the building, should be retained and conserved. They would encourage the heritage led approach to the conservation and refurbishment. However, the plant room compromised the lawn area and setting to the hexagonal units there and further consideration could be given how to this could be best incorporated . Early representation discussed the screening on the west boundary and there might be an opportunity to re-plant screening along the boundary.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Docomomo Scotland

Mr Clive Fenton addressed the Development Management Sub-Committee on behalf of Docomomo Scotland. Mr Fenton explained the background to the organisation which was set up by conservation architects, to promote the study of materials and the design of modern movement architecture. The building was sound and was a very prestige building within a design landscape. In this project, especial consideration was given to the site and setting, including the views of Holyrood Park, responding to the views of relevant bodies, there was height restriction and concealment of the car park and plant and the arrangement of buildings behind boundary walls. The management of the volume of the building was similar to other Scottish Widows buildings and the mass of the building was not apparent. After deliberation by experts and a consultation, it was given A listed building status. However, the if proposals went ahead, only 20 % percent of the original building would remain and the building would be removed from this statutory list of category A listed buildings. This was not a heritage led scheme, it was an enabling development and might be considered to be overdevelopment. Referring to the 1997 Planning Act, the proposals would harm the listed building and the conservation area and both these applications should be rejected. The arguments on sustainability did not hold and other options could be put forward. This was not a rescue operation, but rather a case of large-scale demolition.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillors Burgess and Pogson

Councillor Burgess thought that this was a significant proposal. The former Scottish Widows building was iconic, in a high-profile location and this proposal had stimulated considerable local interest. It was welcome that the developers were trying to make use of the A listed building, as was their ambition to achieve an A level of energy ratings. However, both the Southside Community Council and the Grange and Prestonfield Community Council objected to the proposals. Their concerns included affordable housing, the building materials, loss of trees, permeability and, principally, the height of the residential blocks. Although the developers had amended their original proposals to reduce the height of some of the residential blocks, this remained significantly higher than the neighbouring blocks on East Parkside. From the site visit, the members should consider the height of the residential development and the effect on the Southside Conservation Area and the direct impact on residential amenity. It had to be asked if the proposals complied with LDP Policies Des 4 and Des 11. This was a very challenging site and the developers should be congratulated on their positive motives, but the proposals should not adversely affect the locality or the City's character. The members should hopefully consider measures to mitigate any such impacts.

Councillor Pogson indicated that his ward included Oxford Street. 15 Dalkeith Road was a challenging site to develop, had lain empty for a number of years and previously, he was Chair of Southside Community Council, who had often discussed the possible use of this land. It was vast in scale and the architecture, and the view from Preston Street were truly iconic. The proposals were mainly positive regarding views, access from Dalkeith Road, and permeability. The most positive aspect was that it would be used for housing and affordable housing, however, he was concerned that there lack of agreement about the affordable housing element and of parking provision. The outstanding issue was the size of the accommodation blocks, however, amended plans had been submitted. This was a challenging site to develop, it had to make sense commercially and the developers had good intentions. The main concern was the massing of the accommodation blocks and the members should think specifically about that issue.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Steven Black (JLL), Nick Ball (Corran Properties), Guy Morgan (Morgan Architects), Pol MacDonald (Landscape Architect) from OPEN were heard in support of the application.

Nick Ball introduced himself and indicated that he was Director of Corran Properties, an Edinburgh-based development management consultancy. They had a strong track record in bringing challenging listed buildings in Edinburgh back into beneficial use.

Their client first approached them in 2019 in anticipation that this building would possibly fall vacant. That happened sooner than anticipated due to lockdown in March 2020.

It was fair to say that everyone appreciated the significant challenges that this building

presented. He imagined that was apparent to members during the site visit a couple of months ago.

The status quo was clearly not an option. A pragmatic balance between the undoubted heritage, interest of the building and the need to repurpose it for modern, sustainable use was required in order to secure a viable future for the building.

From the outset, they were keen to consult and engage as widely as possible, starting with Historic Environment Scotland who he first took to the building in 2019 and continued through local and heritage community engagement, recognising that access to the building was essential, they hosted an inordinate number of building tours for all parties. They held a large public exhibition inside the building and also online consultation events and they welcomed 200 people into the building last May for the exhibition.

It has taken nearly four years to get to this stage. From the outset, their goal was to create an exemplar project for the re-use of modernist heritage assets. A design team of the highest quality, renowned for bringing obsolete listed buildings back to life with sensitivity, was employed. This included Arup the original building engineers.

They had the benefit of full access to the Scottish Widows archive, which included all correspondence between the architect and client from the earliest stages of design in 1970, through to post completion and the problems that arose. Almost immediately with the functionality and performance of the building, they had not sought to use this large volume of information to denigrate the importance of the building, but to inform of the matters that required to be addressed. This included issues which dated back to 1976, as well as the challenges of meeting today's and tomorrow's standards of office design, sustainability and environmental performance. They had considered every possible option for the building and the wider site, every use, including student accommodation and hospitality through to more unusual uses, such as data centres and indoor farming. Every configuration associated with those uses was considered all the while, considering the potential impact on the listed building and its setting.

They had assessed everything against the most stringent current and future environmental and sustainability standards. These were the goal of net zero carbon operation, the retention of embodied carbon, indoor air quality, biodiversity, habitat improvement, accessibility and equalities. All for which the building currently fell far short.

Looking at some specifics, the statistics for this building were quite staggering. It was almost 300,000 square feet gross of office accommodation that was 200,000 square feet of usable office accommodation, on a site of six acres. It was designed for a single occupier, the ground-floor alone was close to 65,000 square feet, making it the largest single floor open-plan office space in Scotland. There were two enormous subterranean levels beneath the ground floor with little daylight and remarkably, the intermediate floor was deliberately designed to be non-habitable. To put that scale in some sort of commercial context, there had only ever been one letting of an office building in Edinburgh to a single occupier of more than 200,000 square feet and there has only ever been eight such lettings of more than 100,000 square feet.

The changes they proposed would give this building the flexibility to accommodate multiple tenants, creating a business hub that would benefit the South Side and the City. This was not insignificant, they were talking about businesses that could, on average, occupy 15,000 square feet each and probably employ more than 150 people each. Post renovation, this building would still be capable of accommodating 1,200 people.

The former Thomas Nelson Print Works covered the entire 6-acre site with virtually no green space. It was demolished and then the entire site was excavated to a two-storey depth, to create basement levels and a base for the 300-space multi-storey car park.

Contemporary records of staff liaison meetings, in the months after opening, exposed the problems that have existed from the outset. It would be simultaneously too hot and too cold, depending on which elevation was in sunlight. There was no glare control, it would be dark and oppressive away from the building edge and had poor air quality. Behind every façade, through 360 degrees, was asbestos. This had to be removed in any scenario.

The building had a current MPC rating of G, the worst of any building in the country. By that calculation, it currently emitted in operation, something in the order of 3 million kilograms of CO₂ per annum, most of which was due to its inefficiency, its lack of daylight penetration and its poorly performing facade and sheer scale. Their goal was to achieve an A rating and zero carbon emissions in operation.

They had also assessed the proposals against a host of other environmental sustainability and wellbeing accreditations, for which they have targeted the highest ratings. Embodied carbon had been considered from the outset, and they had undertaken a whole life carbon assessment for these proposals. 95% of waste material from this site was proposed to be re-used. Embodied carbon savings from this proposal compared to an equivalent new build, equated to the planting of 75,500 trees.

Setting aside environmental performance, they also needed to provide the amenities to attract occupiers to the building, amenities that the current building lacked. This included large spaces for secure bicycle storage, exceeding current standards for the quantity and range of storage, well-being for occupants, including indoor and outdoor spaces, for exercise, contemplation and different working environments, presentation and auditorium spaces, as well as services such as child and pet care.

However, this proposal did not solely concern the listed building. The site was six acres in a key city centre location, so it is important that it was utilised sensitively and appropriately, respecting the listed building and its landscape setting. Of course, they considered a range of uses for the remaining site as part of their feasibility analysis. They could have retained the existing car park and operated it as such, however, this would have fallen short of so many policy goals and environmental ambitions, such as the quiet route 30 and air quality targets. Other uses, such as student accommodation and hotel, might have given greater financial viability, but they listened to community feedback and recognised the disappointment this would have caused.

Housing was the right approach, they had to strike the right balance on design and density to respect the landscape setting of the listed building. The mixed-use

approach was entirely consistent with the principle of 20-minute neighbourhoods.

The masterplan design respected the hexagonal, typology of the site. To build houses of regular form and traditional materials, such as stone or brick, would, they thought, be discordant with everything that was admirable in the current building. Whilst their initial proposals were carefully considered, with regard to their local impact, they recognised that there were changes which could be made, hence the revisions to the proposals submitted earlier this year.

He then made a few comments on affordable housing. From the outset, they set themselves the goal of achieving the Authority's emerging policy position of 35% on-site provision. Due to the reduction in heights shown in their revised proposals in response to consultation feedback, this had reduced fractionally to 33%. Working with affordable housing officers, they had designed and tested numerous layouts and configurations, covering mixes of tenure, types and unit sizes, social rent, mid-market rent, intermediate rent and varying proportions of each. Their approach throughout had been to provide a service landholding at nil cost.

That there was a funding gap was not a surprise. Funding gaps for affordable housing were commonplace, pre-2020, but they had seen an over 30% increase in construction costs just in the period, since they submitted the PAN for this application, whilst public subsidy had been frozen. However, the issue was particularly acute on this site, because they were designing in the landscape setting of an important A listed building. To be tenure blind meant a high build cost. Their designs for the affordable housing met high sustainability and environmental standards, as was required, including triple glazing, air source heat pumps, blue roofs and enhanced insulation standards.

They remained committed to delivering affordable housing on site, but they could not move the detailed design forward to find further economies, without having a planning consent in place. They welcomed the approach recommended by planning officers to cover this by legal agreement. They would hope the precite of this quality, the necessary financial support could be provided.

In conclusion, this was an enormously complex building that has taken a substantial amount of time and expertise to understand, even before work could begin on planning for its future. Finding a solution has been a lengthy and detailed process, where a huge array of balances had to be struck. It was not possible to please everyone, but they had been their own harshest critics throughout this process, always seeking the best solution to ensure they provided the next generation with buildings of the highest quality. They had assessed every possible option and could provide assurance that the proposals were the very best option for this property. There were no objections to this proposal from any statutory consultee.

If it was not thought that they were left with a decaying, polluting and energy inefficient, vacant, listed building, these proposals would retain and enhance this category A listed office building and enable its re-use. They would provide much needed new housing and affordable housing. It would be an exemplar project for the re-use of such buildings in a highly efficient way, reducing CO2 emissions by an enormous amount and enabling net zero carbon use of the building. It would substantially reduce traffic movements and

facilitate active travel, it would provide open space and permeability, all within a landscaped setting that thoroughly respected the original design. It would create a new, mixed-use 20-minute neighbourhood and it would create a substantial number of jobs, local employment opportunities and economic gain for the City.

They were happy to answer any questions and hoped that the members would support them in their ambitions to bring this wonderful building back into a purposeful net zero carbon use.

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

[Development Management Sub-Committee - Wednesday 24 May 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

15 Dalkeith Road, Edinburgh - application no. 22/04766/FUL

Decision 1

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 condition that notwithstanding what is shown on the approved plans, details of cycle parking for the residential development to achieve greater accessibility, taking account of Council policy and the Cycle Parking Factsheet, to be submitted to and approved by the Council, as planning Authority.

Reason

To improve accessibility and use for cycling in line with Council policy on active travel and modal shift targets.

Note: To ensure that the application came back to Sub-Committee to ensure that the Section 75 was concluded in respect of affordable housing.

15 Dalkeith Road, Edinburgh - application no. 22/04768/LBC

Decision 2

To **GRANT** listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

15 Dalkeith Road, Edinburgh - application no. 22/04769/CON

Decision 3

To **GRANT** conservation area consent 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.)

3. 23 Water Street, Edinburgh

Details were provided of an application for change of use from warehouse to aparthotel including alteration and extension, landscaping and associated works at 23 Water Street, Edinburgh - application no. 22/06426/FUL.

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

Decision 1

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

Voting

For Continuation - 4

Against Continuation - 7

(For Continuation: Councillors Booth, Cameron, McNeese-Mechan and O'Neill.)

(Against Continuation: Councillors Beal, Dalglish, Gardiner, Hyslop, Jones, Mowat, Osler.)

Decision

To **REFUSE** the request for a hearing.

Decision 2

Motion

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.

- moved by Councillor Osler, seconded by Councillor Gardiner.

Amendment

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policy Hou 7, NPF4 Policy 30 (b)(ii) and sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Booth, seconded by Councillor Cameron.

Voting

For the motion: - 6 votes

For the amendment: - 4 votes

(For the motion: Councillors Beal, Gardiner, Hyslop, Jones, Osler and O'Neill.)

For the amendment: Councillors Booth, Cameron, Dalglish, and McNeese-Mechan.)

Decision

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.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 137 Drum Street, Hyvots Bank, Edinburgh</p>	<p>Change of use from hotel to supported & secured tenancy shared residential accommodation - application no. 22/04659/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>4.2 – 2 Dundrennan Cottages, Edinburgh, EH16 5RG</p>	<p>Change of use from a domestic dwelling to a 7-bedroom house of multiple occupancy - application no. 22/04724/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>4.3 – 57 - 59 (2F - 3F) High Street, Edinburgh, EH1 1SR</p>	<p>Alterations and change of use of second and third floors, currently office space, of 5 storey listed building, to form 3 No. short term let apartments - application no. 22/05144/FULSTL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – 26 Westgarth Avenue (Colinton Lawn Tennis Club), Edinburgh</p>	<p>To install controlled LED lighting to 3 courts by installing 6 new steel columns with 7m mounting height and utilise two existing columns that are already in situ for adjacent three court lighting system. The lights will have minimal physical tilt +incorporated integrated louvres to reduce spill and glare - application no. 22/04508/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.1 - 15 Dalkeith Road, Edinburgh, EH16 5BH - application no's 22/04766/FUL, 22/04768/LBC & 22/04769/CON</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - 15 Dalkeith Road, Edinburgh, EH16 5BH</p>	<p>Selective demolition, adaptation, extension and upgrading of Class 4 office building, demolition of car park and ancillary buildings and proposed development of residential accommodation with associated landscaping, parking and infrastructure (as amended)- application no. 22/04766/FUL</p>	<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 condition that notwithstanding what is shown on the approved plans, details of cycle parking for the residential development to achieve greater accessibility, taking account of Council policy and the Cycle Parking Factsheet, to be submitted to and approved by the Council, as planning Authority. <p>Reason</p> <p>To improve accessibility and use for cycling in line with Council policy on active travel and modal shift targets.</p> <p>Note: To ensure that the application came back to Sub-Committee to ensure that the Section 75 was concluded in respect of affordable housing.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.3 - 15 Dalkeith Road, Edinburgh, EH16 5BH</p>	<p>Selective demolition, adaptation, extension and upgrading of Class 4 office building, demolition of car park and ancillary buildings and proposed development of residential accommodation with associated landscaping, parking and infrastructure- application no. 22/04768/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>6.4 - 15 Dalkeith Road, Edinburgh, EH16 5BH</p>	<p>Demolition of the Jointers' Workshop - application no. 22/04769/CON</p>	<p>To GRANT conservation area consent subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>7.1 - 23 Water Street, Edinburgh, EH6 6SU</p>	<p>Change of use from warehouse to aparthotel including alteration and extension, landscaping and associated works - application no. 22/06426/FUL</p>	<p>1) To REFUSE the request for a hearing. (On a division.)</p> <p>2) 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. (On a division.)</p>

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 7 June 2023

Present:

Councillors Osler (Convener), Booth, Cameron, Dalglish, Gardiner, Hyslop, Jones, McNeese-Mechan, Mowat, O'Neill (items 4.2,4.3,4.5 and 6.4-6.5) and Ross (items 4.1, 4.4 and 6.1-6.4) (substituting for Councillor Beal).

1. 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 Items 4.2 and 4.3 – 27 Arthur Street, Edinburgh, EH6 5DA - application nos. 22/06119/FUL and 23/00174/CON.

Councillor Booth requested a presentation in respect of Item 4.5 – 117-145 Pitt Street and 9 Trafalgar Lane, Edinburgh - application no. 21/05861/FUL.

Decision

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

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

2. Bonnington Mains Quarry (Land 177 Metres West of) Cliftonhall Road, Newbridge

The Chief Planning Officer had identified two applications to be dealt with by means of a hearing: 1) planning permission for the 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 at Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - application no. 22/02514/FUL; 2) planning permission for the development of field for ancillary quarrying operations at Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02513/FUL.

(a) (i) Report by the Chief Planning Officer - application no. 22/02514/FUL

The application was made under section 42 of the Town and Country Planning (Scotland) Act 1997 and sought to continue quarrying and ancillary operations at the site

without compliance with a number of conditions outlined in planning application 17/05930/FUL.

Proposed changes relate to conditions:

Condition 2- Changes to the placement of the environmental bund/overburden along the western boundary of the quarry site.

Condition 13- Hours of operation where the asphalt plant was to include night-time working (24 hour working).

Condition 15- Noise levels from nominal operations increased to a uniform 55dB(A)LAeq at noise sensitive properties and the introduction of a 42dB(A)LAeq during night-time operations (out with hours (i.e., all hours out with Monday-Friday: 07:00-19:00; Saturday: 07:00-19:00 and Sunday: 10:00-14:00).

Condition 16- Changes to the site access involving the introduction of a dual entry weighbridge/office and internal circle/roundabout.

18. Site restoration conditions whereby within 5 years of the date of this permission, a plan illustrating the proposed final restoration of the site should be submitted and approved by the Planning Authority.

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

Supporting Information

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan

- Sections

(ii) Report by Chief Planning Officer - application no. 22/02513/FUL

The proposal was for ancillary quarrying operations, mainly in the northern portion of the field immediately west of the existing site. This included a site office and associated car parking, water attenuation and settlement ponds, aggregate processing, and storage, including aggregate storage sheds and an asphalt plant (previously approved to be developed within the existing quarry boundary). Primary crushing and some stockpiling would continue to be undertaken within the quarry void, whilst secondary crushing, screening, and stockpiling would be undertaken within the Field Extension Area. No mineral extraction was proposed within the western field. In addition, it was proposed to develop a workshop and aggregate storage sheds within the existing quarry boundary alongside the concrete plant. Furthermore, it was proposed to import 'RAP' (Reclaimed Asphalt Pavement) for recycling and reuse within the asphalt plant. This material would be removed from old worn roads and surfaces and imported into the site where it would be processed and stocked within the site prior to use within the proposed asphalt plant. No change had been proposed to the extraction limit of 375,000 tonnes per annum (as outlined in Condition 17 of the 2017 application).

Supporting information

An EIA Report was submitted to support the application, topics scoped in include:

- Landscape and visual impact
- Ecology
- Soils and agricultural land
- Water environment
- Noise
- Dust & air quality
- Socio-economic
- Human health
- Vulnerability to accidents & disasters
- Cumulative effects

Supporting Information

The following documents were submitted in support of the application:

- Environmental Statement.
- Extractive Waste Management Plan.
- Planning Statement.
- PAC Report.
- Site plans.
- Elevational drawings.
- Field Site Restoration Plan

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(b) Ratho and District Community Council

Judy Wightman addressed the Development Management Sub-Committee on behalf of the Ratho and District Community Council. Ms Wightman indicated that she would speak for both applications. She represented the views of over 300 local objectors. The application 22/02513/FUL was for the development of the field for ancillary quarrying operations at this site which was in land classified as a countryside policy area. Despite reductions in height, the plant would still be excessively high, compared to the previous application, which was agreed but not built, was taller than the barn to the west, and it would be possible to see the plant from a great distance. The supposed mitigating effect of tree planting would be irrelevant in winter and the proposed trees would take many years of growth to provide a screen. There were concerns about dust, noise and pollution, the environmental documents used to assess these were inaccurate as the main winds from the southwest would cause dust clouds for Ratho. Since 2018, there had been 58 complaints regarding dust and there were enforcement enquiries, but they were apparently ineffectual. There was greater concern regarding the process of the Asphalt Pavement, in respect of quantities, storage and toxicity. The supposedly acceptable noise levels ignored the rural aspect of the site and the design of the exit to the quarry meant that numerous lorries would travel close to local residents. Regarding the change to condition 13, this application would facilitate nighttime working and this would cause light pollution for local houses. Condition 15 related to noise affecting local residents, but this was only to properties only with receptors, not to wider residents, including Bonnington Village. The current condition 18 specified closure of the site by 2050, but circumstances might have changed by then. The applicant wanted to submit a condition for approval by the council as planning authority, which would remove any democratic control over the use of the site. The recreational triangle was referred to, which clustered round quarry and this would be affected as well the local residents. The members should refuse this application due to its excessive size, domination of the rural landscape, 24-hour working and proposed changes to conditions 13 and 18.

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

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(c) Martin Dalziel

Martin Dalziel addressed the Development Management Sub-Committee as a resident of Craig Park impacted by the proposals. Mr Dalziel stated that in respect of the 22/02513/FUL application, there had been over 350 objections and only 4 letters of support in Ratho. This was a stand-alone application and was not conjoined with the other application in the Section 42 application. This proposal did not comply with Env 10 of the LDP as the Asphalt Plant was excessively high, extremely visible and the proposed tree screen would not mitigate this. This land was not insignificant and provided a good green buffer. Due to the land topography, the site this could not be

hidden, therefore, the proposals did not comply with LDP Policy Des 4. Nor did the proposals comply with minerals policy contained in LDP and NPF4, as it was said to be for mineral extraction, but this was not the case as this plant could be located anywhere. Additionally, the plant relied on the inward transportation of materials. The proposed plant was significantly larger and on virgin land, compared with the 2017 application. The plant was intended to operate on a 24/7 basis, but when the quarry was originally consented, time limits had been put in place. Due to building, the community at Ratho had moved closer to the quarry which meant that the quarry should not be allowed to work longer hours. The existing quarry was supposed to stop operating by 2050, however, there was no condition to limit the operation of the plant site to the same period as the quarry. This application should not be approved, but if it was, then conditions regarding its hours of operation and duration should be imposed. Even so, the applicant could challenge this condition and the Authority should consider this omission.

Regarding the Section 42 application, there were over 300 local representations, of which only 3 were in support. This applicant wanted to alter conditions that were meant to protect the environment and the community of Ratho. To alter them it should be ensured that there was no detriment to Ratho. This was protected under LDP Policy Env 10. This was a quarry, not an asphalt operation and the LDP Policy RS 5 and NPF4 30 (d) did in fact apply. The quarry was operating at present and alterations to the conditions were probably not required. It was a positive step that the Council did not agree to increase noise criteria, as requested by the applicant. There were concerns regarding dust, noise and air quality and there should be tighter monitoring. It was proposed to extend the hours of working to 24/7. However, since the quarry was originally consented, the community of Ratho had expanded, therefore, any extension of working hours would adversely affect the community. Therefore, condition 13 should not be altered to increase the hours of operation. Similarly, condition 18 regarding remediation should not be changed. This was recommended to be changed to “shall be submitted for approval by the Council as planning authority”. The Authority should not cede control to the applicant on such an important point which was in place to protect the community and the environment.

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

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(d) Ward Councillor Jenkinson

Council Jenkinson addressed the Sub-Committee, indicating that his ward included this site. He wanted to speak about the proposal for the Asphalt Plant and how this might affect the Ratho Community. He was usually pro-business, but it had to be the right business in the right area. The slide previously referred to, included the recreational triangle at Ratho and he was concerned about how this development might impact on the economic investment of the recreational triangle. Regarding the surrounding land, he thought that the Ratho area should be an area of residential and recreational use and not heavy industrial use. This could cause problems in future, regarding development. He was happy to represent the objectors from the area and supported the Community

Council. He had listened to the previous deputations and noted that the elected members had concerns regarding the 24-hour working of the plant. There were obvious concerns regarding light, dust and odour and noise pollution. The noise pollution would emanate both from the plant and from the increase in heavy traffic in this largely rural part of the city. It was important to consider the long-term viability of the site itself. Consideration should be given to quarries when they finished their operations and whether this land could be reclaimed for Ratho and for the city for future development. There should be positive developments for the more rural aspects of the city. The members should reject this proposal because it was very important to maintain rural Ratho going forward.

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

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(e) Applicants and Applicant's Agent

Donald Wilkins from Breedon Trading Ltd was heard in support of the application.

Mr Wilkins indicated that he represented the applicant Breedon Trading Ltd who were a market leading construction materials supplier in the UK and Ireland. Within Scotland, they operated a network of quarries, asphalt plants, ready mixed concrete plants and employed in the region of 800 people. They were one of the largest suppliers of construction materials in Scotland and the UK.

The minerals extraction industry was an essential element of the building and construction industry. and the wider economy. All forms of construction activities were reliant on construction aggregates. This included housebuilding, road construction, schools, hospitals, commercial and also leisure facilities, which had been discussed this morning. A typical home, for example, took over 200 tons of aggregates to construct it. The Edinburgh City Plan identified the construction of 37,000 new homes between 2021 and 2033, that would bring the construction aggregates for those homes to be 7.8 million tonnes. So, there was a clear need for continued mineral extraction.

A key outcome of Policy 33 of NPF4 was that sufficient resources were available to meet industry demands, making an essential contribution to the Scottish economy. The word "essential" within NPF4 demonstrated the importance the Scottish Government placed on construction aggregates. NPF4 required local development plans to support a landbank of construction aggregates of at least 10 years, in all market areas. This was to ensure that sufficient, unconstrained mineral reserves were permitted and were available to meet industry demands.

Of all regions in Scotland, the south-east region actually imported the greatest proportion of minerals, equating to about half a million tonnes per annum. In order to minimise the impact of unnecessary transportation of minerals within the region, it was important to maintain a network of quarries close to the market areas.

Minerals could only be worked where they were found. It was not possible to open a quarry where there were no minerals, so, the location of quarries was dictated by geology above all else. The main economically viable deposits of minerals within Edinburgh were concentrated in the western side of the City. Referring to the

presentation, it was possible to see Hillwood Quarry, which was operational, the Edinburgh International Climbing Arena, which was located in the old Ratho Quarry, the former Craig Park Quarry, and Bonnington Mains Quarry. There was also Ravelrig sitting to the south and referring to the plan, there were economically viable deposits of minerals, and it could be seen, this was quite constrained in terms of the geographical footprint.

Policy RS 5 of the adopted Local Development Plan stated that planning permission would be granted for development to extract minerals from quarries identified on the map of the proposals. The LDP specifically identified Bonnington Mains, Hillwood, Ravelrig, and Craigiehall quarries. All four were located on the Western Side of the City. These quarries were regionally important resources and ensured that Edinburgh was served by a local source of construction aggregate. Without them, Edinburgh would be increasingly reliant on imported minerals from elsewhere within the country.

Policy RS5 also stated that development, which would prevent or significantly constrain the potential to extract minerals from sites with economically viable mineral deposits, would not be allowed. Policy RS5 was also reflected verbatim within the relevant policy of the emerging City Plan. The principle of continued mineral extraction at Bonnington Mains was therefore clearly supported by the adopted and the emerging Local Development Plan.

Planning permission for quarrying at Bonnington Mains, including the construction of the asphalt and concrete plants, was initially granted in 1990 and the development commenced shortly thereafter. The quarry currently produced between 300 to 350,000 tonnes of aggregates per annum. It could be seen on this plan, the concrete plant which was constructed in 2021 and that the plant sat approximately 16 metres in height.

Space within the corridors had become limited, to the point where it was becoming a constraint to the ongoing operations. The remaining mineral was located under the overburden which could be seen from the presentation, and also within the base of the quarry under the stocking and processing activities. These constraints were required to be relocated to allow continuing quarrying at the site.

As illustrated in the presentation, the location of the permitted asphalt plant was close to the water treatment lagoons, located where the offices were currently situated. Again, there was insufficient space within the site to develop that aspect of the permitted development. So, the field immediately adjacent to the quarry, south of the access road, was considered to be the optimal location for the relocation of the overburden, which would be within the landscaped bund to the south stocking activities and also the permitted Asphalt Plant.

The proposal would allow the quarry to be developed and for the full reserve to be extracted. Obviously, whilst there were two planning applications, effectively it was one proposal as far as the applicant was concerned. If they were not to develop the field, it was unlikely they would make the changes within the quarry, that were proposed within the Section 42 application.

The planning application for the development of the core, therefore, consisted of one of a number of elements. These were the creation of the landscaped bund, which would screen operations and provide capacity for the excess overcrowding that currently existed, the formation of a processing and stocking yard, freeing up space to develop the base of the quarry and also the construction of the Asphalt Plant. The design of the

plant had changed since the submission in 2017 and this was principally to allow the applicant to utilise reclaimed asphalt, or pavement or wrap, which was a waste material generated from road planing. It was desirable for two reasons, which were it help increase recycling and the sustainability of asphalt products, and also to minimise the requirement for virgin aggregates coming from the quarry.

The Section 42 application principally sought consequential amendments to the layout of the plant site as a result of the field development. New maintenance workshop aggregate storage sheds were shown. A roundabout was also proposed to improve the safe management of all vehicles.

The proposed development before the Sub-Committee had been comprehensively assessed within the planning documentation. The EIA report assessed the development in the context of a variety of environmental considerations, as listed in the presentation, and reference would be made to a number of these.

A landscape and visual impact assessment had been completed by a trained landscape architect and that had been reviewed by the Council's landscape architect. The initial Asphalt Plant Design, following discussions with the Planning Department, had reduced in height from 29.5 metres down to 20.9 metres, so that was a 9-metre reduction. The proposed plant would sit approximately 5 metres taller than the existing concrete plant on site. The site was well screened from local roads, by localised bunding and mature planting. The presentation showing views from Cliftonhall Road and Wilkinson Road as could be seen, were taken during the winter, with limited foliage on the trees.

Where open views existed into the field, bunding and planting were proposed to screen the development and the height of the bund had been designed to screen all of the lower elements of the development, but the applicant acknowledged that the upper elements of the Asphalt Plant would be visible from certain locations. Reference was made to a photograph which was also displayed earlier, which was taken from Winstone Place, and below it was a wireframe of what would be seen if and when the development was to be constructed.

In the foreground, it was possible to see the former Craig Park Quarry which had been partially infilled, this was now the site of the Wave Garden Development which was currently under construction, and it could be seen that there were some blocks and these represented the buildings that would be constructed as part of the Wave Garden Development.

The lower elements of the proposed development were obscured from view by intervening topography and vegetation. The upper elements of the Asphalt Plant were visible within the presentation. It was worth noting, however, that these elements would not break the skyline and sat below the ridge of the barn that sat to the other side of Clifton Hall Road. It was noted that the planning officer's report concluded that the development complied with LDP Policy Des 4 and would not overly impact on the pre-existing landscape character or nearby Identified receptors.

In terms of biodiversity and sustainability, however, the site comprised of arable grassland, quarry workings and broadleaf plantation woodland, which had been planted as part of the quarry development. They had undertaken a comprehensive suite of surveys looking for bats, badgers, otters, water voles, newts, reptiles and birds. The broadleaf plantation woodland, habitat has got the greatest ecological value and extended currently to 2.4 hectares. It was planted in the 1990's as part of the original

quarry mitigation and would be supplemented by 1.3 hectares of additional broadleaf planting, which were contained within this proposal. The arable grassland provided limited opportunities for ecological interests and no significant impacts on ecological receptors had been identified.

Breedon Trading Ltd continued to enhance the biodiversity on their sites where they could, in 2022 put in a variety of bird and bat boxes, including a kestrel box and in 2023, they planted a new hedgerow, 260 metres long, and also additional planting on the southern boundary of the site where gaps in the planting was identified.

Another example of Breedon's work on sustainability was the enhanced rock, weathering, mineral-rich crushed rock which had been spread on agricultural land. This would fertilise the soil, but importantly it could also capture CO₂ from the atmosphere. The CO₂ was captured by rainwater and then carbonised within the mineral, which was spread on the fields and could lock in approximately 0.6 tonnes per every ton of dust that was spread on fields.

Noise had obviously been a topic of conversation at this meeting. The applicant had undertaken a detailed noise impact assessments and these assessments had been subject to discussion and review with Environmental Protection. They initially proposed to amend their noise limits to a standard of 55 at all properties, which, they believed was in compliance with PAN 50 advice.

However, following discussions, they had agreed that they would retain their limits and they had also demonstrated that they could continue to meet those limits. They also demonstrated that they could meet the NR 25 limit which was recommended within a British Standard Note. They acknowledged that objectors had raised noise as a concern, however, their modelling and discussions with Environmental Protection did not support those concerns.

In terms of traffic and transportation, there was no change in terms of the existing access arrangements, and there was no increase in vehicle movements as a result of the proposal, they had permission to operate a plant on the site already and that was assessed in 2017. They operated a right-hand turn only junction, which forced HGV's to turn and travel north towards Newbridge, and the Roads Department had raised no objections.

In conclusion, construction aggregates made an essential contribution to the local and national economies and without them no other development which passed through this committee could be realised. Minerals could only be worked where they were found. Economically viable mineral deposits within the City of Edinburgh were fairly limited and these deposits needed to be worked close to demand, to minimise the environmental impact, associated with haulage. Additional space was required to allow the permitted deposit at the Bonnington Mains Quarry to be worked and for the Asphalt Plant to be constructed.

Permission for the Asphalt Plant at the quarry already existed. The new design increased separation distance from residential properties of Winstone Place and the revised design allowed recycled aggregates to be utilised.

Finally, the EIA report had not identified any significant environmental impacts as a result of the proposed development and the planning officer's report had found the proposal to comply with the Development Plan Policy. No material considerations had

been identified that merited refusal of planning permission. As such planning permission should be granted.

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

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02514/FUL.

Decision 1

Motion

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18.
 - (b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 11.00pm.
 - (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."
- moved by Councillor Osler, seconded by Councillor Ross.

Amendment

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18 (condition 18 as originally worded).
 - (b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 8.00pm.
 - (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."
- moved by Councillor Gardiner, seconded by Councillor Booth.

Voting

For the motion: - 7 votes

For the amendment: - 3 votes

(For the motion: Councillors Cameron, Dalgliesh, Jones, McNeese-Mechan, Mowat, Osler, Ross.

For the amendment: Councillors Booth, Gardiner and Hyslop.)

Decision

To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:

- (a) To accept conditions 2, 15 and 18.
- (b) To amend condition 13 to indicate that the hours of operation shall be restricted from 7.00am to 11.00pm.
- (c) To amend condition 16 to: "Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road."

Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge - application no. 22/02513/FUL.

Decision 2

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 that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations.
- 3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site.
- 4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policies Env 10 and Des 4(a).

- moved by Councillor Gardiner, seconded by Councillor Osler.

Voting

For the motion: - 6 votes

For the amendment: - 4 votes

(For the motion: Councillors Booth, Cameron, Jones, McNeese-Mechan, Mowat and Ross.

For the amendment: Councillors Dalglish, Hyslop and Gardiner Osler.)

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 condition that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations.
- 3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site.
- 4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am.

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

3. Salamander Street/Bath Road, Edinburgh

This application was approved at the Development Management Sub-Committee on 7th December 2022 subject to a Legal Agreement to secure the provision of affordable housing, and financial contributions for transport actions, tram, education, and health infrastructure as well as planning conditions and informatives. The legal agreement was under consideration but not finalised. As the legal agreement had taken slightly longer to conclude, the application was required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement again. If Committee accepted the recommendation, then a further three months was required to conclude the Section 75 Agreement and enable the planning permission to be released.

Since the application was considered by the Development Management Sub Committee in December 2022, NPF4 had been adopted by Scottish Ministers on 13 February 2023; it therefore was now part of the development plan against which these development proposals should be assessed.

NPF4 designated Edinburgh Waterfront as a National Development in which this site sits. It stated that this national development supported the regeneration of strategic sites along the Forth Waterfront in Edinburgh and was a strategic asset that contributed to the city's character and sense of place and included significant opportunities for a wide range of future developments. It continued that development would include high-quality mixed-use proposals that optimised the use of the strategic asset for residential, community, commercial and industrial purposes, including support for offshore energy relating to port uses.

Due to the designation as a National Development the application required to be considered by a pre-determination hearing.

The application was for planning permission in principle for the demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended) scheme 3 at Salamander Street/Bath Road, Edinburgh - application no. 21/01163/PPP.

(a) Report by the Chief Planning Officer

The proposal was for an application for Planning permission in principle (PPP) for residential development with commercial space and associated works. It comprised the demolition of the existing buildings and the redevelopment of the site for a mixed use development for mainly residential purposes of approximately 247 units and some commercial uses which include classes 2, 3 and 4, with associated car parking and landscaping.

The applicant was applying to have the following matters considered and approved in detail:

- Maximum extent of building lines of the proposed blocks including positioning of blocks and internal spaces between buildings;
- Internal road layout, including pedestrian/cycle routes and accesses, and waste servicing layout;
- Surface water and drainage arrangements;
- Landscaping/soft landscaping layout and design;
- Maximum building heights;
- Proposed ground site levels and finished floor levels and
- The proposed uses (including location) to include mainly residential, with some classes 2, 3 (restricted - no cooking of hot food on the premises) and 4.

Detailed drawings had been submitted, some of which were indicative, to demonstrate how the proposals would fit onto the site. These showed the development as comprising of eight blocks, separated by landscaped courtyards. The blocks would range from three storeys to six storeys in height. The proposal was shown to be developed over three phases.

The proposed commercial uses of class 2 and 3, and 4, would give a total of 1,828sqm of commercial space.

The proposed vehicular accesses to the site are from Salamander Street to the south and Bath Road to the west. The main vehicular route within the site is along the north and east boundaries which provided access for resident parking, emergency vehicles and waste services.

The proposals had been designed to accommodate a dedicated cycle route along Salamander Street to meet the council's aspirations for a dedicated cycle route connection between Leith and Seafield.

A total of 59 car parking spaces were proposed. This would be provided in underdeck parking with 14 spaces under block A and B, 22 spaces under block E, and 23 under block H. Of these, six would be accessible, and ten would have provision for electric vehicle charging points. A total of six motorcycle parking spaces were proposed. The proposal would make provision for approximately 530 cycle parking spaces throughout the site.

Amenity space was to be provided in the form of decked amenity areas, raised courtyard areas and ground level spaces. These areas comprised three areas of block paving with bioretention/rain garden planting, and two blocks had grassed areas in addition to planting. Private gardens surrounded the raised landscaped courtyards giving ground floor apartments defensible space with their own gardens. Duplex private gardens faced the northern lane.

No detailed elevational design has been submitted at this stage.

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

- Air Quality Assessment and Air Quality Note;
- Affordable Housing Strategy;
- Daylight, sunlighting analysis report;
- Flood risk assessment;
- Landscape strategy;
- Part 1 ecological appraisal;
- Letter of support from Port of Leith;
- Lighting assessment;
- S1 Sustainability form;
- Surface Water Management Plan;
- Transportation Statement;
- Bat survey;
- Tree report;
- Desk top study and ground investigation report;
- Noise Impact assessment;
- Design and Access Statement;
- Drainage/ SUDS/ SWMP report;
- Existing utility report;
- Heritage Statement;
- PAC report;
- Letter of support of Port of Leith Housing Association;
- Preliminary archaeological appraisal; and

- Flood risk certificate and independent flood check certificate.

Scheme 2

The following changes had been made to the initial submission:

- The linear buildings fronting on to Salamander Street had been reduced from four to three storeys;
- The area of the building adjacent to the existing tenement on Salamander Street had been reduced from four to three storeys;
- The seven storey height had been retained at the two courtyard buildings but been set back from the south façade on to Salamander Street;
- The central massing onto Salamander Street had also been reduced to from the three/four storeys to two storeys;
- The courtyard building was connected to the north to resemble a 'U-shape' with a greater opening to the south;
- Removal of the vehicular access in the middle of the site which was now a pedestrian/cycle route with landscaping;
- Removal of some on-street car parking for other pedestrian routes and more landscaping;
- Increase in amenity space;
- The Salamander Street frontage included landscaping and
- Reduction in car parking from 112 to 91 spaces.

Scheme 3

The scheme had been revised further with the following revisions:

- Seven storey elements removed and overall reduction in unit numbers (from 285 to 247)
- Residential apartments added facing the northern lane giving it more of a domestic street character and an element of security.
- Direct access to these apartments is proposed off the northern lane.
- Increase in private gardens and number of residential entrances along the northern lane.
- The range of residential typologies is increased with the addition of duplex units.
- Increased number of family units.
- Increased number of apartments, and now duplex, with private gardens.
- Levels across the centre of the site lifted to accommodate new residential use results in more shared landscaped amenity space.
- Overall amount of public and private landscaped space across the site increased.
- Extent of active frontages increased.
- All apartments, duplex and shared landscaped amenity spaces are accessible.

- Relationship with the existing tenement improved.
- Parking numbers reduced, and undercroft parking removed and
- Commercial space along the full Salamander Street frontage with returns at Bath Road and the eastern return lane.

The increase in levels across the site was proposed to satisfy the objections from SEPA who require finished floor levels of proposed residential accommodation to be above 5.6m AOD.

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

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Leith Harbour and Newhaven Community Council

Jennifer Marlborough addressed the Development Management Sub-Committee on behalf of Leith Harbour and Newhaven Community Council. They had been looking at this development for over 2 years. This application had been approved in December and they thought it was concluded, but they only very recently heard about the application being considered. They stood by many of the comments that they made when they originally objected to the application. Also, they were involved in the consultation in 2021. Their greatest concern related to aspects of the development in relation to NPF4. There were proposals for having windows closed permanently, with some ventilation, but this was not a good idea. This was because of the noise that was emanating from outside. There was also the close location of Seafield Plant, with odours and a considerable amount of ongoing industrial work. This development was quite claustrophobic and unsuitable for families. The other area of concern was the cycle path, which was going to be located on Salamander Street, where it was hoped to have low emissions, but this was a major traffic route. There was a large amount of heavy transport, consequently, any apartments on that site would have to deal with noise, traffic emissions and would not be able to open windows. This development should not be in this location. The pavement had been narrowed to accommodate a cycle path. But there was also Leith Connections developing a phase 3 and they would also have a cycle path on the other side of the road. If the cycle paths were diverted, rather than having them on a main road, that would be beneficial. However, she was unsure if this would come under this remit.

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

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillor Faccenda

Councillor Faccenda addressed the Sub-Committee, indicating that she was fully in support of both the local Community Councils. She had read the reports, especially in the context of NPF4, and did not think that this created a better place to live. This was a newly designated area of the Waterfront, however, this proposal created physical barriers to the Waterfront and removed the sense of Edinburgh being in proximity to the water. The principles of NPF4 should be applied. There were other developments that

brought high density housing, there was little sense of place or community and although building on greenbelt land should be avoided, could existing buildings not be re-purposed? The proposals were inconsistent with Policy 14 in NPF4, on livable places. There should be welcoming places with space being connected to wellbeing. With over 200 units in 1.4 hectares, there would be an even denser development than the ones which already existed. Also, with an increased number of family units, there would be children crossing a busy road to get to local schools. It was unacceptable to build family homes where the air quality was poor and there was noise pollution, in this area, which was hard to measure. Developments such as this showed the inequality of how planning regulations could be applied and how the multi layers of different development plans could make priorities quite complex. Promises of greening of Leith had resulted in drawings of tree filled boulevards, which did not reflect reality. In the context of formal industrial areas, high density housing was not the solution. There was already disquiet in the community about tall buildings. She would like to see more alternatives to building barriers that detached the community from the coastline.

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

[Development Management Sub-Committee - Wednesday 7 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Being unable to attend the meeting, a statement was submitted by the agent (Ryden LLP) on behalf of the Applicant, John G Russell Transport Ltd in support of the application.

The Applicant had considered the content and recommendations set out in the Report to Committee and was content to rest on that support for this application. This proposal had of course been before Members already (7th December 2022) when the Committee unanimously supported the recommendation from the Chief Planning Officer and moved to grant permission subject to completion of a S75 Agreement. The current report again recommended this application be approved, subject to conditions and the completion of a S75 Agreement.

We could confirm the Applicant's agreement to coordinate with the council to complete the S75 Agreement as proposed and took no issue with the provisions therein.

The current Report to Committee updated from the previous assessment by providing a review against the provisions of NPF4. It concluded that the proposal broadly complied with that part of the development plan and where there were perceived opportunities to enhance that compliance, those measures would be better addressed through the detailed planning process.

The site was brought forward by way of PPIp application against the background of the allocation within the adopted LDP 2016. That same allocation was maintained through the current City Plan 2030 – Proposed Plan, which was now at Examination. The Applicant followed this particular planning process as a means of providing some parameters and clarity to inform a future marketing process. They were not a developer and as such did not feel it was appropriate to seek to deliver the details which would be required before development could be realised at this site.

The application was originally lodged some 2 plus years ago and long before NPF4 was a material consideration. Nevertheless, it was always intended that this site could deliver an exemplar of sustainable placemaking and design and where the planning authority or Members feel there was room to further enhance those credentials that would be appropriately addressed through the subsequent detailed planning process.

To reaffirm and considering the opportunity from a sustainability perspective, a range of passive measures were proposed to reduce the demand for energy including Heat Recovery Technology. This specific measure would also improve air quality for occupants whilst recovering heat from the extract ventilation system. Reduced energy consumption was proposed including an electric air source heat pump system, the use of energy efficient LED lighting, controls for external lighting linked to daylight sensor, provision of energy meters, use of waste-water heat recovery units on showers or baths. Photovoltaics (PV) were also proposed and perhaps most importantly, the proposal had been designed with maximum flexibility to allow for future changes in technology, enabling a district heating scheme, or connection to a larger city-wide scheme.

There was a limited element of car parking provided at this stage and that it envisaged to primarily cater for EV and car club spaces. The cycle parking was currently provided at circa 200% of LDP policy/guidance requirements.

A new cycle connection was designed into the scheme along the Salamander Street frontage and the design accommodated a number of pedestrian routes through the site.

The non-residential spaces at ground floor were considered to provide a suitable mix to encourage local business/commerce and potentially, community use. This activated all frontages at ground floor and contributes to community wealth building.

In essence, this application sought to agree the principle of residential-led, mixed use development at a site designated for such uses in both adopted and emerging LDPs. In doing so, the design team had sought to demonstrate how such a development might be realised.

NPF4 became part of the development plan in February this year. The current proposal accorded with the provisions of that policy document. Whilst it was acknowledged that this proposal was conceived and evolved prior to NPF4 becoming a material consideration, any perceived opportunities to further enhance the proposal's credentials against that document would be advanced at the detailed planning stage.

Against this background, the Applicant urged the committee to support this application in line with the assessment and recommendations of the Chief Planning Officer.

Decision

To **GRANT** planning permission in principle subject to:

- 1) The conditions and reasons as set out in section C of the report by the Chief Planning Officer.
- 2) The following informatives:
 - (a) The developer gave consideration to a whole building environmental system for the apartments facing Salamander Street.

- (b) The eastern elevation treatment respected the significance of the route between Leith Links and North Leith sands which formed part of Leith Urban Side Framework.
- (c) The developer gave consideration to the retention of the large warehouse for business usage.

(References – the Development Management Sub-Committee of 7 December 2022 (item 2); report by the Chief Planning Officer, submitted.)

4. 27 Arthur Street, Edinburgh

Details were provided of an application for the demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking at 27 Arthur Street, Edinburgh - application nos. 22/06119/FUL and 23/00174/CON.

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

Motion

- 1) To **GRANT** planning permission subject:
 - (a) To the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
 - (b) An additional condition that prior to the commencement of works on site, further details of the cycle parking should be provided for approval by the planning authority, for the avoidance of doubt, the cycle parking should be in accordance with the councils approved cycle fact sheet C7 and installed thereafter.
- 2) To **GRANT** conservation area consent subject to:
 - (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
 - (b) An additional condition that prior to the commencement of works on site, further details of the cycle parking should be provided for approval by the planning authority, for the avoidance of doubt, the cycle parking should be in accordance with the councils approved cycle fact sheet C7 and installed thereafter.

- moved by Councillor Osler, seconded by Councillor Jones

Amendment

- 1) To **REFUSE** planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.
- 2) To **REFUSE** conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.

- moved by Councillor Booth, seconded by Councillor Dalgleish

Voting

For the motion: - 4 votes

For the amendment: - 6 votes

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

For the amendment: Councillors Booth, Dalgleish, Gardiner, Hyslop, O'Neill, and McNeese-Mechan.)

Decision

- 1) To **REFUSE** planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.
- 2) To **REFUSE** conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by Vita Group for Proposal of Application Notice At Land East of Sibbald Walk, Edinburgh</p>	<p>Erection of mixed-use development comprising student accommodation, affordable housing and commercial/community uses with associated landscaping, infrastructure, and access arrangements - application no. 23/01777/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – 27 Arthur Street, Edinburgh, EH6 5DA</p>	<p>The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 22/06119/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.</p> <p>(On a division)</p>
<p>4.3 – 27 Arthur Street, Edinburgh, EH6 5DA</p>	<p>The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking - application no. 23/00174/CON</p>	<p>To REFUSE conservation area consent as the proposals were contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and contrary to LDP Policy Hou 8 and Non-Statutory Guidance on Student Housing.</p> <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.4 – 17 George IV Bridge, Edinburgh, EH1 1EE</p>	<p>Change of use from Class 4 office to aparthotel (serviced apartments only) to be operated and managed as one business. Internal alterations 55 - 66 Development Management Sub-Committee - 7 June 2023 Page 4 of 7 include removal of internal walls /partitions erection of new walls /mezzanine floors insertion of roof lights, dormer windows, roof terrace refurbishment of external features including windows, doors, commemorative plaques (as amended) - application no. 22/05285/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>Note: the legal agreement for the tram contribution was not required as per the note from the Chief Planning Officer.</p>
<p>4.5 - 117 - 145 Pitt Street & 9 Trafalgar Lane, Edinburgh, EH6 4DE</p>	<p>Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use- application no. 21/05861/FUL</p>	<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 should engage with the planning authority as to the suitable location of the provision and delivery of car club spaces and vehicles within the area and that transport officers would meet the relevant transport officers and decide on the appropriate location.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.1 - Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge - application nos – 22/02514/FUL and 22-02513/FUL</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - Bonnington Mains Quarry (Land 177 Metres West of), Cliftonhall Road, Newbridge</p>	<p>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</p>	<p>To agree to the Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL, subject to the following amendments:</p> <p>(a) To accept conditions 2, 15 and 18.</p> <p>(b) To amend condition 13 to indicate that the hours of operation should be restricted from 7.00am to 11.00pm.</p> <p>(c) To amend condition 16 to: “Access to the workings shall be taken only from the B7030 road in the position shown on drawing no P1/1318/7/1 as constructed on site so as to provide that heavy goods vehicles may leave the site only by turning right to, and enter the site only turning left from, the B7030 road.”</p> <p>(On a division.)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.3 - Bonnington Mains Quarry (Land 177 Metres West Of), Cliftonhall Road, Newbridge</p>	<p>Development of field for ancillary quarrying operations - application no. 22/02513/FUL</p>	<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 condition that the timescales of the operation of the asphalt plant should be restricted to those of the adjacent quarry i.e. discontinuance before 3 September 2050 and a restoration plan should be submitted for the approval of the Council, as planning authority. Any approved restoration works should be completed within 24 months of cessation of permitted operations. (3) An additional condition that prior to the commencement of works on site, the developer should submit a landscape plan for the approval by the Planning Authority, showing full details (species, location) of the new planting within the application site. The landscape plan should then be fully implemented and maintained for the duration of the operation on site. (4) An amendment to condition 2(c) to indicate that the hours of operation should be restricted to 7.00 am to 1.00 am. <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.4 - Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ - application no. 21/01163/PPP</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.5 - Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ</p>	<p>Demolition of existing buildings and erection of mixed-use development comprising flatted residential (up to 247 units), office and commercial floorspace with associated access arrangements, parking, landscaping, and ancillary works (as amended) scheme 3 - application no. 21/01163/PPP</p>	<p>To GRANT planning permission in principle subject to:</p> <ol style="list-style-type: none"> 1) The conditions and reasons as set out in section C of the report by the Chief Planning Officer. (2) The following informatives: <ol style="list-style-type: none"> (a) The developer gave consideration to a whole building environmental system for the apartments facing Salamander Street. (b) The eastern elevation treatment respected the significance of the route between Leith Links and North Leith sands which formed part of Leith Urban Side Framework. (c) The developer gave consideration to the retention of the large warehouse for business usage.

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Development Management Sub-Committee Report

Wednesday 9 August 2023

**Application for Proposal of Application Notice
79 Myreside Road, Edinburgh, EH10 5DB**

Proposal: Installation of 3 artificial grass sports pitches, associated warm up area, floodlighting, fencing, areas of hardstanding and infrastructure. Formation of pick up /drop off area, associated parking provision and access arrangements.

**Item – Delegated Decision
Application Number – 23/02083/PAN
Ward – B10 - Morningside**

Reasons for Referral to Committee

Recommendation

It is recommended that this application be **Pre-application Consultation approved**.
subject to the details below.

Summary

SECTION A – Application Background

The forthcoming application will be for the installation of 3 artificial grass sports pitches, associated warm up area, floodlighting, fencing, areas of hardstanding and infrastructure. Formation of pick up /drop off area, associated parking provision and access arrangements.

Relevant Site History

No relevant site history.

Other 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: Not Applicable

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

Assessment

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

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.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions:

Reasons:

Informatives:

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 12 May 2023

Drawing Numbers/Scheme

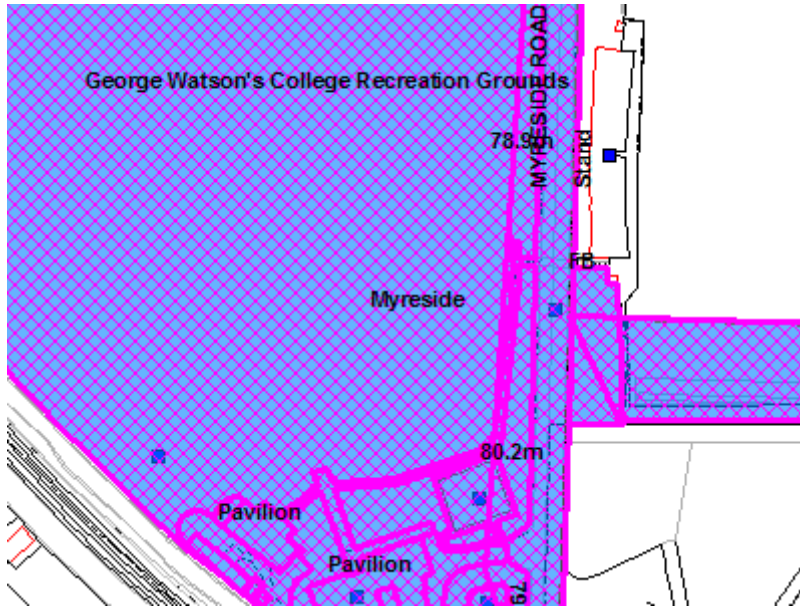
**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Adam Cairns, Planning Officer
E-mail:adam.cairns@edinburgh.gov.uk

Summary of Consultation Responses

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 9 August 2023

**Application for Planning Permission STL
6 Circus Lane, Edinburgh, EH3 6SU**

Proposal: Change of use to short term let for the month of August.

**Item – Local Delegated Decision
Application Number – 23/02339/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

The change of use of this property to a short-term let (STL) will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However the application is for temporary permission for the month of August only, therefore it is considered acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

SECTION A – Application Background

Site Description

The application site is a two-storey mews building at 6 Circus Lane, Stockbridge. The property extends over two floors and a basement. There is a garage, kitchen and living area on the ground floor. On the first floor there are three bedrooms each with an en-suite bathroom. The basement accommodates a cinema and games room.

The property has its own main door entrance and there is a private patio area with outdoor seating to the rear.

The surrounding area is primarily residential. At the west end of Circus Lane there are shops and daytime cafes. The property is on the edge of the New Town which is close to, but not in, the city centre. Public transport can be reached within a 5-minute walk.

The application site is part of a group of B listed buildings (ref: LB 45477: date of listing 24.3.98).

The application site is in the Old and New Towns of Edinburgh World Heritage Site and the New Town Conservation Area.

Description Of The Proposal

The application seeks temporary permission to change the residential use to a short term let apartment for the month of August. No internal or external physical changes are proposed.

Relevant Site History

16/04770/FUL

6 Circus Lane

Edinburgh

EH3 6SU

The alteration of a B-listed two-storey mews house.

Granted: 30 January 2017

16/04771/LBC

6 Circus Lane

Edinburgh

EH3 6SU

Alteration of a B-listed two-storey mews house. The exterior will be improved by repair to the existing fabric and the replacement of non-original windows with those more sympathetic to the streetscape (as amended).

The interior is currently in a poor state of repair with few original features. This will be completely renovated with an improved internal layout.

Granted: 30 January 2017

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 9 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 16 June 2023

Site Notices Date(s): 13 June 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 in the Historic Environment: Interim Guidance on the principles of listed building consent.
- 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 harms neither the listed building, its setting or the conservation area. It is therefore acceptable with regard to Sections 59 and 64 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.

There are no external changes proposed. 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 proposal does not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies 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 Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic assets. The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Listed 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 proposals do not involve operational development. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to a short term let will have regard to:

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

Amenity

The property is a two storey mews building located on a quiet residential street at the edge of the Georgian New Town. The property is part of a terrace of mews buildings and has its own main door entrance on to the street.

As the area is predominantly residential, there is a relatively low ambient noise level and the introduction of an STL use in this location will have a negative impact on the amenity of the surrounding area for the period during which a temporary change of use is allowed. However, the application is for temporary permission for the month of August only. The Edinburgh International Festival operates throughout the month of August and there is a recognised need for accommodation throughout the city during this month as the numbers of visitors to the city increases significantly. The application has its own main door access, therefore any negative impact on neighbouring amenity will be restricted to the street and the rear patio and garden. Residents may already be used to a significant rise in ambient noise levels during the month of August as Circus Lane is a popular location near the city centre for photography of the street's architecture.

The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7. However, it is considered acceptable as the application is for temporary permission and the negative impact on amenity will only exist for the month of August.

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 application is for the temporary use as short term let throughout the month of August. The lawful use of the property will remain as residential so no residential accommodation will be lost. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Car Parking

There is an integral garage adjacent to the main entrance door. This is acceptable and there is no requirement for cycle parking for short term lets. The proposal complies with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However, the application is for temporary permission for the month of August only and is therefore acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

No representations have been received.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues 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 change of use of this property to an STL will have an unacceptable impact on neighbouring amenity and does not comply with LDP policy Hou 7 and NPF 4 policy 30 (e) (i). However the application is for temporary permission for the month of August only, therefore it is considered acceptable in this instance. It does not result in loss of residential accommodation therefore NPF 4 policy 30 (ii) is not applicable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Planning permission hereby granted is limited to a temporary change of use to short term let for the period 1st August 2023 – 31st August 2023. Upon the end of this period, the premises shall revert to its authorised use as a residential dwelling house.

Reasons

1. In order to protect residential amenity and prevent the loss of residential accommodation.

Informatives:

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 9 June 2023

Drawing Numbers/Scheme

01, 2A

Scheme 1

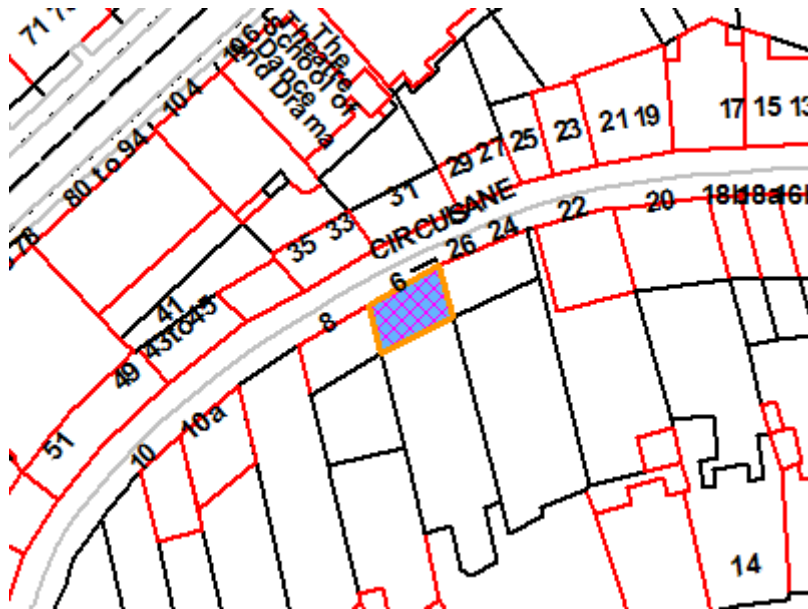
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 9 August 2023

**Application for Planning Permission
27 Dunedin Street, Edinburgh, EH7 4JG**

Proposal: Change of use of existing building from van and car hire depot (Sui Generis) to gym (Class 11).

**Item – Committee Decision
Application Number – 23/01088/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has received more than six material 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 National Planning Framework 4, the Edinburgh Local Development Plan and the non-statutory Guidance for Businesses and Edinburgh Design Guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises a terraced warehouse unit on the south side of Dunedin Street within the Bonnington area of Edinburgh, approximately 1.5 miles to the north of the City Centre.

Dunedin Street is part of a wider, mixed use area which contains a range of industrial, office and commercial uses. This includes car hire depots, builders merchants, offices, art studios, language centres, social clubs and workshops. The area also contains a number of existing class 11 leisure uses, including the Alien Bloc indoor climbing centre in the directly adjacent units.

To the south of the application site there is a six storey residential tenement which faces onto Broughton Road and there are a number of other residential uses in the surrounding streets. The surrounding area also contains a mix of retail units and a range of cafes, bars and restaurants.

Description Of The Proposal

The application proposes change of use of the existing premises from van and car hire depot (Sui Generis) to gym (Class 11).

The property itself is an end terraced warehouse unit, comprising a modern steel portal framed unit with brick walls and profile metal cladding above, enclosing a single space of 281 sqm at a height of 5.6 metres at apex under a pitched roof with translucent light panels. There is a concrete yard to the front of the property which provides parking space for six vehicles. A condition has been attached to ensure compliance with minimum cycle parking provision.

Supporting Information

- Supporting statement.
- Marketing brochure.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site planning history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 532

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 Global Climate and Nature Crises
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 21 Play, Recreation and Sport
- LDP Employment Policy Emp 9
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

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

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

Principle

The application proposes the change of use of van and car hire depot to a gym. Dunedin Street is part of a wider, mixed use area which contains a range of industrial, office and commercial uses. Residential properties are situated to the south and commercial and industrial premises are situated across Dunedin Street to the north and west. The area also contains a number of existing class 11 premises.

The site is not located within a Business and Industry Area and the proposed change of use to Class 11 (gym) is acceptable in this location which is essentially mixed in character. The proposal complies with NPF4 Policy 21 in that it would provide new facilities for sport. The proposal complies with LDP Policy Emp 9 in that it would contribute to the comprehensive regeneration and improvement of the wider area and will not prejudice or inhibit the activities of any nearby employment use.

The proposal has a neutral impact in terms of NPF4 Policy 1 and complies with NPF4 Policy 21 and LDP Policy Emp 9.

Amenity

Whilst there are residential properties in the tenement to the south of the application site, the area is essentially mixed in character and the change of use would not have a materially detrimental effect on the living conditions of nearby residents. The class 11 (gym) use is compatible with the character of the area and 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.

Environmental Protection have been consulted and raise no objections subject to conditions.

The proposal complies with LDP Policy Hou 7.

Parking and Road Safety

The proposal complies with NPF4 Policy 13 in that the proposed development will be accessible by a range of sustainable public transport modes. There will be no changes to the existing parking provision, the unit has six existing car parking spaces and these will be retained for use by staff. There is a requirement for one cycle parking space per 20sqm for leisure/gym uses and a condition has been attached to that effect.

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

Conclusion in relation to the Development Plan

The proposals comply 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 five hundred and thirty two representations were received including two hundred and eighty objections and two hundred and fifty two support comments.

The majority of the representations relate to competition with another gym.

A summary of the representations is provided below:

material objections

- Negative impact on neighbouring residential amenity through increase in noise and disturbance; This has been addressed above in a).
- Negative impact on local small businesses in the area; This has been addressed above in a).
- Disruption to residents through increased parking issues; This has been addressed above in a).

non-material objections

- Space is being let out to a rival gym which will displace existing gym; This is not a material planning consideration.

material support comments

- Will improve health and wellbeing; This has been addressed above in a).
- Will improve amenity of local community; This has been addressed above in a).
- Will contribute to local economy and support local businesses; This has been addressed above in a).
- In keeping with surrounding businesses; This has been addressed above in a).

non-material support comments

- Dedication of owners/new gym providers; This is not a material planning consideration.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposals comply with National Planning Framework 4, the Edinburgh Local Development Plan and the non-statutory Guidance for Businesses and Edinburgh Design Guidance. The proposal is acceptable in principle and would not have a detrimental impact on residential amenity. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The premises is restricted to a gymnasium within Use Class 11 of The Town and Country Planning (Use Classes) (Scotland) Order 1997. No other use within Class 11 is permitted without prior written permission of the Planning Authority.
3. A minimum of one cycle parking space per 20sqm shall be provided.

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. To comply with the standards set out in Council guidance.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 14 March 2023

Drawing Numbers/Scheme

01

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

Summary of Consultation Responses

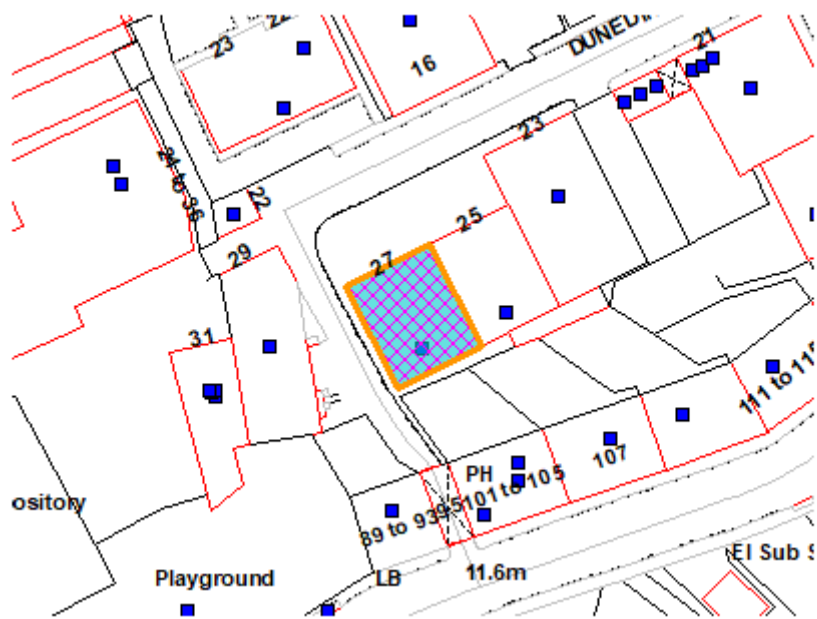
NAME: Environmental Protection

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 09 August 2023

**Application for Planning Permission
Drummond Tennis Club, 1 East Scotland Street Lane, Edinburgh**

Proposal: Erection of six masts 8m high to provide floodlighting, to the playing surface only, of the tennis courts.

**Item – Committee Decision
Application Number – 23/00838/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 six material letters of support and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposal is acceptable with regards to section 64 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1999. However, the proposal is ultimately unacceptable as it is contrary to the relevant policies within the Edinburgh Local Development Plan, as the proposed floodlights would have an adverse impact on neighbouring residential amenity due to the glare from the lights entering into neighbouring residential premises. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is Drummond Tennis Club located on East Scotland Street Lane. The site is surrounded by overlooking residential tenement properties on all sides.

The site is located within the New Town Conservation Area.

Description Of The Proposal

The application proposes the erection of six masts 8m high to provide floodlighting, to the playing surface only, of the tennis courts.

Supporting Information

- Visualisations;
- Photographs;
- Supporting statement;
- Light spillage assessment;
- Lighting design details;
- Optivision LED lighting details.

Relevant Site History

22/03708/FUL
Drummond Tennis Club
1 East Scotland Street Lane
Edinburgh
EH3 6PR
Erection of masts to provide floodlighting.
withdrawn
20 September 2022

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: 13 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: 120

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.

Within the context of the tennis club, the floodlights would have a slim profile and would not constitute an over-dominant or unsympathetic feature within the surrounding streetscape. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan?

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

- NPF4 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 4 Natural Places
- NPF4 Policy 7 Historic Assets and Places
- NPF4 Policy 13 Sustainable Transport
- NPF4 Policy 14 Design, Quality and Place
- NPF4 Policy 21 Play, Recreation and Sport
- NPF4 Policy 23 Health and Safety
- LDP Policy Hou 7

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

Conservation Area

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

World Heritage Site

The proposal will not affect the World Heritage Site or the reason for its inscription.

The proposal complies with NPF4 Policy 7.

Design

Whilst the club is situated within a residential area, within the context of the tennis club, the floodlights would have a slim profile and would not constitute an over-dominant or unsympathetic feature within the surrounding streetscape. However, for reasons which are fully assessed below, the design of the proposal would be detrimental to the amenity of the surrounding area.

The proposal complies with NPF4 Policy 14.

Climate/Nature Conservation

Concerns have been raised in respect of the effect of the floodlights on wildlife. Although there would be an increase in localised light levels, this has to be considered in the context of the surrounding area, which has street lights that will be on for greater periods of time than the floodlights. In these circumstances, the effect of the lighting on wildlife would not be unacceptable and would not be justification for refusing the proposal.

The floodlights would utilise energy, however, the increase in energy use would be modest. In these circumstances, if committee were minded to grant planning permission, an informative encouraging the use of solar powered lights could be included in the decision.

The proposal would comply with NPF4 Policies 1 and 4.

Increase in Traffic and Parking Issues

The proposal does not involve the expansion or enlargement of the existing tennis club and would not result in a material increase in car journeys or parking. The site is located in a city centre location in close proximity to public transport and cycle routes.

The proposal complies with NPF4 Policy 13.

Amenity

Residential tenement properties surround the application site on all sides. Several windows of these properties sit below the height of the proposed floodlights. The position of neighbouring windows and gardens, combined with their proximity to the application site, would result in the bulbs or reflected bulb light being viewed from within a number of properties. Consequently, the glare from the floodlights would have a materially detrimental effect on the amenity of neighbouring residents.

Environmental Protection has been consulted and does not support the application due to the light spillage, glare and associated operational noise concerns resulting from increased use of the premises late into the evening during the autumn and winter months.

It should be noted that there are no restrictions on the hours of operation of the club, and whilst the provision of floodlighting may facilitate an increased usage of the courts, it would not constitute a material change of use of the land. This would not be a reason for refusal.

The proposal does not comply with LDP Policy Hou 7.

Health and Wellbeing

The provision of floodlighting would allow the courts to be used for longer periods of time and would have a positive effect on health and well being. The proposal would also encourage opportunities for play, recreation and sport. However the adverse impact on residential amenity as detailed above outweighs the potential health benefits that the proposal could bring.

The proposal would comply with NPF4 Policies 21 and 23.

Conclusion in relation to the Development Plan

The proposal complies with NPF4 Policies 1, 4, 7, 13, 14, 21 and 23. However, the proposal is contrary to LDP Policy Hou 7, as it would have a materially detrimental effect on the amenity of neighbouring 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 120 representations have been received including 96 objections, 20 support comments and 4 general comments. It should be noted that two of the support comments contained no considerations.

A summary of the representations is provided below:

Material Comments - Objections

- Negative impact on neighbouring residential amenity; this has been addressed above in section b).
- Light spillage into neighbouring residential properties; this has been addressed above in section b)
- Impact of masts on setting of Conservation area and setting of Listed Buildings; this has been addressed above in section a).
- Negative impact of floodlights on ecology and biodiversity; this has been addressed above in section b).
- Increase in traffic and parking issues; this has been addressed in above in section b)
- Negative impact on World Heritage Site; this has been addressed above in section b).
- Extension of opening hours of tennis club; this has been addressed above in section b) and;
- Disregard for climate crisis, net zero agenda and environmental protection; this has been addressed above in section b).

Non-Material Comments - Objections

- Impact on mental well being of residents; this is not covered by planning policy and is not a material planning consideration and;
- Impact on costs to the club; this is not a material planning consideration.

Material Comments - Support

- Promotes health and wellbeing; this has been addressed above in b).
- Enables better use of existing facilities; this has been addressed above in b).
- The light spillage will not compete with existing light from houses, gardens and street lights; this has been addressed above in b) and;
- The club is an important recreational resource for the local community and the proposal would allow the club to continue to grow; this has been addressed above in b).

Non-Material Comments - Support

- Club is well run by respectable and responsible people; this is not a material planning consideration.
- The club offers affordable membership rates thus promoting inclusivity; this is not a material planning consideration.
- Floodlights are a standard feature of most Scottish tennis clubs; each application is assessed on its own merits and;
- The age and profile of the users ensures that there will not be noise or nuisance; this is not a material planning consideration.

Conclusion in relation to identified material considerations

The potential benefits of the proposal do not outweigh the adverse impact on neighbouring residential amenity.

Overall conclusion

The proposal is acceptable with regards to section 64 of the Planning (Listed Buildings and Conservation Areas (Scotland) Act 1999. However, the proposal is ultimately unacceptable as it is contrary to the relevant policies within the Edinburgh Local Development Plan, as the proposed floodlights would have an adverse impact on neighbouring residential amenity due to the glare from the lights entering into neighbouring residential premises. There are no material considerations which 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 an adverse impact on neighbouring residential amenity due to the glare associated with the operation of the floodlights.

Informatives

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 7 March 2023

Drawing Numbers/Scheme

01-04

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

Summary of Consultation Responses

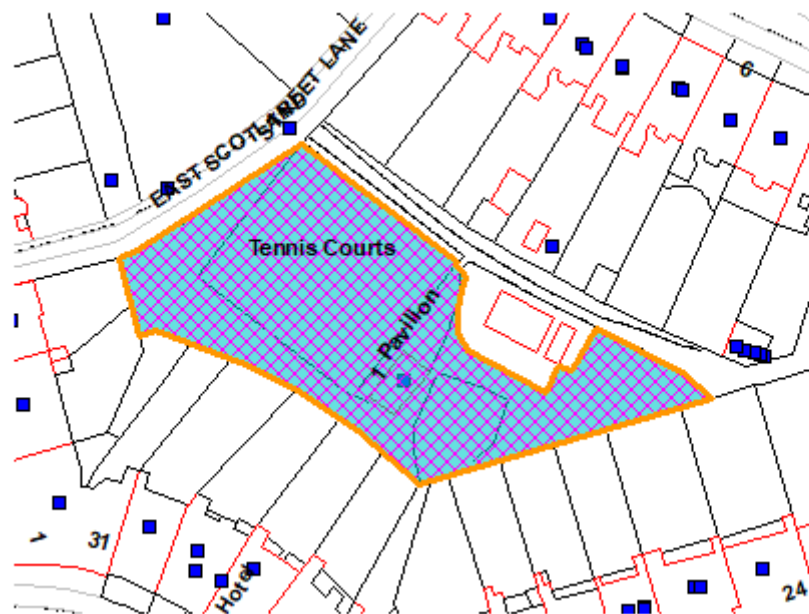
NAME: Environmental Protection

COMMENT: Due to the immediacy and height of a significant number of surrounding residential properties, Environmental Protection is concerned that light spillage, glare and noise all have the potential to impact upon residential amenity should this application be granted and recommends that the application be refused.

DATE:

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 9 August 2023

Application for Planning Permission

**Land 20 Meters North-east Of 74 Eyre Place &, 49 - 51 Eyre Place,
Edinburgh**

**Proposal: Clearance and demolition to erect 11x flats and
maisonettes, new garden ground and associated infrastructure (As
Amended).**

Item – Committee Decision

Application Number – 23/01201/FUL

Ward – B05 - Inverleith

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places. The proposed development does not comply with LDP policy Env 18 e) as the loss of open space is not for a community benefit. The planning history and the characteristic of the site is a relevant material consideration in balancing its loss against LDP policy Des 2 (Co-ordinated development). The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. It would therefore be unreasonable to refuse planning permission. An exception to LDP policy Env 18 e) is therefore justified. The proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions have been applied to address further matters in more details. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to the premises of the former 'Smithies' public house at 49 - 51 Eyre Place and an area of open space on land located 20 metres north-east of 74 Eyre Place. The total site area measures approximately 704 sqm.

The public house is a single storey flat roofed building with a basement level and has been vacant since March 2020. The building dates from the last quarter of the 19th century with some traditional features but is much altered. The north-west section of the building adjoins the 'Banana Row' music studio which from street level, is a single storey building with a pebble dash render finish and a hipped roof.

The north-east section of the building fronts onto an area of open space, owned by City of Edinburgh Council. The open space to the north-west/north is enclosed by three to four storey tenement flats on Canonmills. From Eyre Place, a high stone wall with gated entrance and steps occupies the sloping south-east section of the site, alongside trees and shrubbery.

The open space was previously occupied by two four story residential tenement blocks before its demolition early 1980's. Remnants of the previous tenements is evident in the nibs detailing found on the south-west gable of 1 Canonmills. The site became informally used as accessible open space by residents of Cannonmills tenements. A makeshift drying structure was found. Outside the application site, tenement properties at 2-6 Cannonmills have a strip of communal open space, with a depth between 4.3 metres to 4.6 metres. This section sits approximately 400 mm below the application site with stepped access.

The open space is not designated as 'open space' in the adopted Edinburgh Local Development Plan map.

Directly across the site at 72-74 Eyre Place is a vacant builders' merchant/yard. A recent appeal to develop this site for student housing was dismissed (DPEA reference, PPA-230-2408). To the west of the site at 1 - 3 Canon Street, works have started in connection with planning permission 18/07826/FUL for the development of residential flats and a commercial space.

The prevailing height of buildings on Eyre Place is between three to four storeys. The predominate materiality is stone (red/grey) and buildings generally date from the 19th century.

The application site is within a mixed-use area with both commercial and residential uses. Below the site to the north-west is the existing BP garage on Canonmills.

The application site is not within a conservation area but is situated between the New Town Conservation Area and the Inverleith Conservation Area. The nearest listed buildings are located on the west side of Canon Street.

Description Of The Proposal

It is proposed to demolish the former 'Smithies' public house and clear the adjacent open space to accommodate the development of 11 flats and maisonettes with new garden ground and associated infrastructure.

The proposed development from Eyre Place street level will be two storeys in height. A standalone recessed third storey is to form a 'book end' to the development and to provide roof terrace amenity for the upper maisonettes. Due a drop in the site levels, the development to the rear will be between three to four storeys.

The proposed treatment finish includes ashlar sandstone, proprietary render, zinc cladding, glass balustrades and UPVC double glazed windows and patio doors. The proposal includes a green roof.

In terms of boundary treatments to the rear, this includes a 1.8metres high timber fence to existing retaining wall and a 1.1 metres high stone wall which will reuse stone salvaged from existing wall on Eyre Place boundary.

Nine maisonettes will each have a main door access from Eyre Place. Two flatted units will have shared access. The schedule of accommodation includes two-bedrooms (x 10) and three-bedroom (x 1) units, ranging between 79 sqm to 132.7 sqm.

Unit 2 to unit 9 will have direct access to approximately 144 sqm of communal garden space. The communal garden is to be used jointly by future occupiers of the new build and accessible to existing residents within Canonmills tenements. The existing access steps from Eyre Place is to be re-located north- east of the site to maintain existing access arrangement. The existing nib left from the previous tenements on the site is to be shortened and the stonework readdressed.

A roof terrace is proposed for unit 1 and unit 5. Unit 5 will also have a small balcony area.

Zero parking is proposed for this site. Provision for cycle parking is to be provided within the hallway/cupboards of each units, except for the shared entrance flats, where communal storage will include two sheffield stands and space for non-standard bike. The proposed development is to accommodate a total of 24 cycle spaces.

It is proposed to remove 22 trees (category U and category C value) and replant with two small rowan trees.

Communal bin stores are located internally on ground floor.

Air source heat pumps for each unit are proposed.

Scheme one

The original scheme was amended to add more articulation to the design of the proposed development and to break up the use of ashlar sandstone and render within the scheme.

Supporting Information

- Planning Statement (including Addendum May 2023)
- Design Statement
- Asbestos Survey Report
- Daylighting Analysis (June 2023)
- Energy Strategy
- Noise Impact Assessment
- Surface Water Management Plan
- Preliminary Contamination Risk Assessment
- Tree Survey Report

Relevant Site History

No relevant site history.

Other Relevant Site History

29 May 2020 - Planning permission in principle granted for the demolition of the existing public house at 49-51 Eyre Place and to erect housing on the site (application number, 19/05565/PPP).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Flood Prevention

Archaeology

Waste Management Services

Children and Families

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 11

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 9, 12 and 13;
- NPF4 Liveable Place policies 14, 15, 16, 18, 20 and 22;
- NPF4 Productive Place policies 25;
- LDP Design policies Des 1, Des 2, Des 3, Des 4 and Des 5;
- LDP Environment policies Env 12, Env 18 and Env 21;
- LDP Housing policies Hou 1, Hou 2, Hou 3 and Hou 4;
- LDP Transport policies Tra 2, Tra 3 and Tra 4; and
- LDP Delivering the Strategy policy Del 1

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

Principle of housing

NPF4 policy 16 f) (ii) states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 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 to Rodney Steet Local Centre and other services, as well as public transport links and existing active travel networks. Additional localised spending has the potential to enhance the vitality and vibrancy of the area for a community benefit in line with NPF4 policy 25.

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.

There are no policies that safeguards against the loss of a public house.

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 site lies within an urban area as defined in the Edinburgh Local Development Plan (LDP). Subject to the proposed development being compatible with other policies in the plan under LDP policy Hou 1 c), the principle of housing on the site is acceptable.

The proposed development complies with NPF4 policy 16 and LDP policy Hou 1

Loss of open space

NPF4 policy 20 a) requires development proposals not to result in or exacerbate a deficit in blue or green infrastructure provision. The planning authority's Open Space Strategy should inform this. Criterion d) states development proposals for temporary open space or green space on unused or underused land will be supported.

The site is within 85 metres walking distance to King George V Park. This public park is 2.19 ha and was graded as 'very good' in the Open Space Audit 2016. The proposed development will not be detrimental to the wider network or result in a deficit of green infrastructure provision in this location. The proposal includes 144 sqm of communal garden space for use all residents, including existing residents in the neighbouring tenement building.

LDP policy Env 18 (Open space protection) (a) to (e) sets out the circumstances where loss of open space would be permitted. This policy seeks to protect all open spaces, both public and privately owned.

The existing open space is approximately 550 sqm and part of the site is underused with overgrown vegetation. The embankment section of the site comprises of low-quality trees. The open space is bounded by tenement buildings on Canonmills and high walls on Eyre Place with a gated and stepped entrance. This enclosed arrangement gives the impression that the open space is private communal grounds for occupants of Canonmills tenements only. In terms of the before and after situation, a reduction in the open space will not have a significant impact on the quality or character of the local environment.

Due to the enclosed nature of the site with stepped access from Eyre Place, the open space is not accessible to all. A reduction in the open space will not result in under-provision of open space in this location as the site within walking distance to a public park.

Given the urban context of the site, a reduction in the open space will not be detrimental to wider networks. The inclusion of green roofs within the proposal will enhance biodiversity.

The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. Given that the new communal garden space would be shared between future occupants of the new build and existing occupants of the tenement building, it would be unreasonable to require improvements to an existing public park or other open space.

The proposed development is not for a community purpose and the proposal does not comply with LPD policy Env 18 e). However, the planning history of the site is a relevant material consideration. Part of the site was granted planning permission in principle 19/05565/PPP for the demolition of the former public house and its replacement with housing. The design was a reserved matter specified in conditions. That permission expired on 29 May 2023. Previous design schemes for the site were challenged in the requirement to meet LDP policy Des 2 (Co-ordinated Development) and to provide open space for future occupants. This resulted the open space under CEC ownership to be included in the current proposals. While the proposal is not for a community purpose, the new communal garden space is to be used by all residents, including residents of Canonmills tenements. This is demonstrated in the proposed design and layout of the site. Given the planning history and other policy considerations, it would be unreasonable to refuse planning permission when the proposal will not result in the adverse loss of open space provision in this location. An exception to LDP policy Env 18 e) is therefore justified.

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 proposal does not comply with LPD policy Env 18 e) as the proposal is not for a community purpose. However, the reduced open space provision is acceptable as the new communal garden is to be used by all residents, including residents of Canonmills tenements. The proposal will not result in the adverse loss of open space provision. An exception to LDP policy Env 18 e) is therefore justified. The principle of housing is acceptable and complies with LDP policy Hou 1.

Demolition

NPF4 policy 9 d) states that given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

An addendum to the Planning Statement (May 2023) was provided to address NPF4 9 c). The architectural merits of the building do not warrant its retention. Retrofitting the building would not achieve the same energy efficiency and savings as a new build. Retaining/altering existing building presents structural and compliance issues with building regulations. Open market sale of the premises since March 2021 highlighted no appetite for ongoing use as a public house or potential for office use. Rising construction costs makes the retention/conversion of the building commercially unviable.

While demolition is regarded as the least preferred option, the planning history of the site and the brownfield constraints of the site is an overriding material consideration in addressing the challenge to achieve a more compact and co-ordinated development on the site. Salvaged stone from existing wall on Eyre Place boundary for the new rear boundary will reduce embodied carbon and addresses the requirements of NPF4 policy 12 and LDP policy Des 3 in terms of reusing existing materials.

Development design

NPF4 policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, and adaptable).

LDP Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place and is of a high standard of design.

LDP Des 2 (Co-ordinated development) requires development proposals not to compromise the effective development of adjacent land.

LDP Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) requires consideration of features within the site worthy of retention to be retained and enhance through its development design.

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

The Edinburgh Design Guidance does not preclude the introduction of contemporary development.

In the context of its surroundings and prevailing heights, the proposal will be subservient in scale and form. The development will be appropriately sited between buildings, and it will not have a domineering presence on nearby buildings.

While flat roofs are not characteristics of the more traditional buildings in this area, the scheme was revised to reduce the monolithic impact of its design. The changes include more articulation to the detailing of its façade, rooftop design, and breaking-up the use of stone and render as a treatment finish. The additional detailing adds visual interest to the street and allows the development to be more distinctiveness in appearance. The proposal includes a green roof and given the requirement to address climate change emergency through development design, this is a relevant consideration in allowing flatter roofs.

While the predominate materiality in this area is stone, the texture and colouring (red/grey/blonde) vary between buildings. When viewing the proposed development from Eyre Place and Canonmills, the detailing and the limited palette of materials, including ashlar sandstone and render is acceptable. The proposed development design will not have an adverse impact on its surroundings or existing townscape qualities.

The site is approximately 0.07 ha. The proposed development density equates to 157 per ha (11 units/0.07ha). The proposed density of development reflects the urban grain of the area and is acceptable. The proposed development is compliant with LDP policy Hou 4.

The proposal is for a contemporary, co-ordinated, and bespoke development. The development density will be in-keeping with urban grain of the area and will not result overdevelopment of the site.

One bedroom window on the ground floor will provide an active street frontage.

In terms of accessibility, the proposed development will not be step free. Level access from Eyre Place will be provided to the communal entrance to the flats and to the main door access to the maisonettes. Internal layouts will be designed for accessibility in accordance with the current building regulations. The private stairs within the maisonettes will be provided with adequate space for the installation of a future stair lift. As the building is not more than 4 storeys in height, there is no requirement under the Building Regulations for a passenger lift.

The communal garden is located at lower ground floor level which is below the level of the street at Eyre Place. Seven of the maisonettes will have direct access to the garden from lower ground floor level. Communal access to the garden will be provided via external steps to the northeast end of the site accessed via a secured gated from Eyre Place.

The steps will include tactile paving and movement activated lighting to assist with community safety. However, access to the communal garden will not be inclusive for all users. Due to the constrained nature of the development, which has nine main door maisonettes accessed from street level, and only two flats entered from a communal stair, it would not be reasonably practical to provide a life within the development. It should be noted that existing access to the open space is not accessible/inclusive for all.

A condition is required to ensure that details of the treatment finish is provided. This is to ensure that the proposed development is finished to a high standard of design, using materials appropriate for its context.

The proposal complies with NPF4 policy 14 and LDP policies Des 1, Des 2, Des 3 and Des 4.

Amenity

Neighbouring amenity

The Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The rear window distance between the proposed development and Canonmills tenements is approximately 12 metres at lower ground floor level and 14 metres to upper floor levels. The window distance is in-keeping with the dense urban grain of the area and will not result in adverse loss of privacy or outlook.

As the proposed development is compatible with nearby housing uses, it will not be a major source of noise.

The updated daylight study was carried out in accordance with the Edinburgh Design Guidance. The study shows that not all the lower-level windows on the rear elevation of Canonmills tenements meet the vertical sky component (VSC). The existing and proposed situation was used to assess the daylight distribution within the affected rooms. The study shows that rooms R1 and R4 within 6 Canonmills tenements do not pass the daylight distribution test, but the average daylight factor (ADF) test shows that the current daylight factor within both these rooms is lower than the recommended value of 1.5%. When comparing the ADF with the proposed ADF this achieves more than 0.8 times the existing value. The impact of the proposed development, therefore, will have a negligible effect on these rooms and this is acceptable.

In terms of the existing open space, landownership is not a planning matter. In addressing concerns relating to loss of garden area, the applicant confirms that a title examination was carried out with their solicitor and in communication with CEC legal team. The applicant states that there are no concerns regarding ownership of any of the application site or how the ownership has been certified and delineated within their application.

As a measure of goodwill, the proposed development allows for the communal garden space for use of all residents, including those in the existing neighbouring tenement who currently make use of the open space. The proposed layout demonstrates that existing access levels to this space will be maintained.

The hour-by-hour shadow plans show that the proposed development will not result in adverse loss of sunlight in terms of the before and after situation.

The proposed development will not adversely impact on neighbouring residential developments in terms of daylight, sunlight, privacy or immediate outlook. The proposed development is compliant with LDP policy Des 5.

Future occupiers

All units will exceed the minimum floorspace standard contained in the Edinburgh Design Guidance.

All units will be dual aspect and the submitted daylight demonstrates that all units will receive adequate levels of daylight in accordance with Edinburgh Design Guidance.

Future occupiers will have reasonable levels of privacy within the development. Unit 3 has one street facing bedroom on the ground floor. Additional privacy can be achieved through the installation of blinds and curtains.

In terms of private green space in housing development, LDP policy Hou 3 states that in flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat. A minimum of 20% of total site area should be useable greenspace.

The proposed communal garden space is approximately 144 sqm and the proposal exceeds the 10 sqm per flat criterion. In terms of useable greenspace, 20% of the total site area equates to 140.8 sqm. The hour-by-hour shadow plans for 21 March show that the proposed north-west communal will receive afternoon sun between 2pm and 4pm. The shadow plans, however, show a reduction in 20% of the total site area being useable in terms of its capacity to receive sunlight. While the 20% useable greenspace is not met, the proposed development exceeds the quantity of communal open space for future occupiers, and this is an acceptable minor infringement.

Unit 1 and unit 5 will have a roof terrace and this will exceed future occupiers' amenity within the development.

The non-statutory Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. As the proposal is for 11 units, the schedule of accommodation includes two-bedrooms (x 10) and three-bedroom (x 1) units is acceptable. The proposal will still provide choice of housing in this location and this is consistent with NPF4 policy 16 c) (ii).

Agent of change principle

Under Section 25 of the Planning (Scotland) Act 2019, the application site is identified as being a 'noise sensitive development' due to its proximity to a music studio on Eyre Place and a car wash facility to the rear of the site. The provisions of the Act detail the Agent of Change (AofC) principle which seeks to protect existing owners and occupiers, including cultural venues or facilities, from any additional burden from new noise sensitive developments. The onus is on the new development to ensure compliance on its own land.

A Noise Impact Assessment (NIA) was provided, and Environmental Protection were consulted. Unit 1 and unit 2 will not meet NR15 with the windows open and the results of the NIA show the affected rooms. Mechanical Ventilation Heat Recovery (MVHR) are proposed to maintain sufficient ventilation to the property with the windows closed and to ensure that music noise do not disturb future occupiers.

A closed double-glazed window will give a minimum of 33 dB attenuation, whereas closed windows have been assumed to provide 10 dB of attenuation, meaning an additional 23 dB of attenuation would be provided. This is sufficient to ensure that NR15 for music noise is met within the affected units.

Environmental Protection do not support the use of closed window ventilation systems. However, the inclusion of MVHR improves energy performance and energy demand within the development will be met via air source heat pumps. Given the urban setting of the site, background ambience noise during the day is to be expected. The remaining nine plots will meet NR15 with windows open and do not require ventilation systems. Therefore, there are exceptional circumstances to allow a 'windows closed approach' for two units out of eleven. In accordance with the Agent of Change (AofC) principle, consideration has been given to impacts on future occupiers and the inclusion of MVHR for two units only is an appropriate mitigation measure.

The applicant advises that the MVHR would be located within cupboards, but this is not shown on the drawings. A condition is required to this effect.

Future occupiers within the development will have acceptable level of living amenity and the proposal complies with LDP Des 5.

Conclusion in relation to demolition, design and amenity

The proposal complies with the NPF4 policy objectives to consider demolition as the least preferred option, and support development proposals that are consistent with the six qualities of successful places. The proposed development complies with LDP design and amenity related policies.

Other Matters

Transport

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

Zero car parking for this development is acceptable due to the accessibility of the site to nearby public transport stops on Eyre Place and Canonmills/Rodney Street and its accessibility to nearby amenities. The potential for on-street parking will not be adverse as the site is within a controlled parking zone (not within a priority area for a parking permit) with yellow lines restrictions nearby on Eyre Place, Eyre Place Lane, and Canon Street.

As the proposed development is for a car free scheme, there is not a requirement to provide accessible parking under the car parking standards contained in the Edinburgh Design Guidance.

The proposed development fronts onto a cycle lane and the scope for on-street accessible car parking near to the development is limited. While a barrier free development is not met through accessible car parking, due regards has been given to Section 149 of the Equalities Act 2010.

Within 15 metres from the site on Rodney Street, there are nearby amenities within Rodney Street local centre with bus stops (No. 8, 13, 23 and 27). Dundas Street local centre is also located 250 metres from the site with bus stops services on Eyre Place (No. 36). This is consistent with local living and 20-minute neighbourhood principles under NPF4 policy 15.

Transport Planning were consulted on the proposals and raised no issues. Communal bin stores will be located internally on ground floor. The frequency of waste collection will not adversely obstruct the existing cycle lane or road.

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

Trees

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

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

The proposal will result in the removal of 22 low value trees within the site. This includes 14 category U value (tree removal recommended based on poor condition) and 8 category C value (low quality and value to be considered for retention). The trees nearest to the tenement building would need to come out in the future. While the trees collectively provide greenery for Eyre Place locality, they are individually of low value. It would therefore be unreasonable to refuse planning permission against their loss individually or collectively.

In terms of replacement planting, two small rowan trees (*sorbus vilmorinii*) are proposed. The number of replacement tree planting do not offset the number of trees being removed on the site or facilitate the opportunity for large growing trees. The proposed development as part of a brownfield site requires to be balanced against other policy considerations, including co-ordinated development, amenity, and open space. It would be unreasonable to replace the number of trees to offset its loss to amenity for a constrained brownfield site. The proposal is a minor infringement of LDP policy Env 12 as the removal and number of replacement planting is acceptable in this instance.

A landscape condition is required to secure the replacement tree planting and to ensure that the site is landscaped to a high standard of design.

The proposal complies with NPF4 policy 6 and the minor infringement of LDP policy Env 12 is acceptable.

Flooding

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

SEPA flood map shows that the site is not within a flood risk area. The application was accompanied by a Surface Water Management Plan (SWMP). The applicant is proposing to discharge surface water to the combined network. Flood Prevention advises that this application can proceed to determination, subject to a condition requiring confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network. A condition has been applied to that effect.

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

Archaeology

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

The current public house building dates to the last quarter of the 19th century. The application site historically formed part of the medieval milling complex of Canonmills, founded in the 12th century and centred upon the adjacent 16th/17th century mill building at No.1-3 Canon Street. Early 19th century plans (1849 OS map) indicate that this building formed part of Ann's Court which was associated with an 1849 carpet manufacturer.

Although unlisted, the proposals will impact on the locally significant historic building requiring its demolition. Its loss on heritage and archaeology terms, however, is not significant to refuse planning permission. In addition, planning permission in principle was granted for the demolition of the public house building and the permission expires on 29 May 2023, and this is a relevant material consideration in the assessment of the proposals against NPF4 policy 7 o). Due to the local significance of the building and area, a condition is applied to ensure that a detailed historic building survey and a phased programme of archaeological works is undertaken prior to development. This is to fully excavate, analyse and record any archaeological remains that may be affected and that they are protected and preserved in situ where feasible.

Biodiversity

NPF4 policy 3 a) states development proposals will contribute to the enhancement of biodiversity. Criterion 3 c) local development proposals to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

The proposal involves the removal of trees and vegetation. The inclusion of green roofs within the proposal is a biodiversity enhancing measure and is proportionate to the nature and scale of development. Particularly in this urban location.

An informative is applied to encourage the installation of swift nests/swift bricks.

The proposed development complies with NPF4 policy 3.

Natural Places

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

A Preliminary Ecological Appraisal (PEA) was not required, and the proposed development therefore complies with NPF4 policy 4 f).

Infrastructure

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

Children and Families were consulted. The proposed development is expected to generate two primary school pupils. Stockbridge Primary School has the capacity to meet this impact. Accordingly, a contribution towards additional education infrastructure is not required.

The site is not within a healthcare contribution zone.

The proposed development is not required to contribute to any transport actions.

The proposal complies with NPF4 policy 18 and LDP policy Del 1.

Waste

The applicant is required to liaise with Waste Management Services to discuss their waste strategy. An informative has been added to that effect.

Contaminated land

To address NPF4 policy 9c), a site investigation condition has been applied. This is to ensure that the site is made safe for its proposed use.

Conclusion in relation to other matters

The proposal complies with NPF4 policies in relation to transport, trees, flooding, archaeology, biodiversity and infrastructure. Given the constrained brownfield nature of the site, the number of replacement planting is a minor infringement of LDP policy Env 12. The proposal broadly complies with LDP policies.

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Just transition', 'Local living' and 'Compact urban growth' in terms of net zero, 20-minutes neighbourhoods and optimising brownfield land/redundant buildings.

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

The lifecycle of greenhouse emissions within the proposed development will be minimised through co-ordinated compact growth, supporting local living, encouraging sustainable transportation (walking, cycling and public transport), and redevelopment of a brownfield site. Energy demand will be met via air source heat pumps. The transition to net zero will be met through zero car parking and all units will have access to internal cycle storage. Embodied carbon by conserving and recycling assets will be addressed through salvaged stone from existing wall on Eyre Place boundary.

The incorporation of green roofs will slow surface run offs and mitigate against the removal of existing trees in terms of absorbing rainwater runoff.

The proposed development complies with NPF4 policies 1 and 2.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. Impacts have been identified and addressed in the assessment section of the report.

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

Public representations

A summary of the representations is provided below:

material considerations

- Loss of public house- Addressed in Section B
- Loss of shared garden/destruction of green space - Addressed in Section B
- The site is not 'vacant and derelict land' as described. It is an actively used publicly owned green space - Addressed in Section B
- Development design not in-keeping with historic character of the area - Addressed in Section B
- Density/overdevelopment- Addressed in Section B
- Increase traffic/parking- Addressed in Section B
- Amenity (daylight, sunlight, privacy, noise and pollution)- Addressed in Section B
- Daylight/sunlight study disputed- Addressed in Section B
- Proposed communal garden arrangement/boundary treatment is not adequate to provide a buffer between the proposed development and existing tenements - Addressed in Section B
- Dropping the pavement on Eyre place for communal bins will mean the bike lane and road is obstructed - Addressed in Section B
- Insufficient healthcare provision - Addressed in Section B

non-material considerations

- Further densification of area from sites earmarked for development - This does not preclude assessment of the application as submitted.
- Would impact on emergency access to The Yard on Eyre Place Lane - It is not proposed to alter existing vehicle access to or from a public road.
- Landownership - This is a civil matter.

- Impact of construction on mental health and wellbeing - This does not preclude assessment of the proposal or prevent the delivery of developments.
- Personal reasons for purchasing property - Planning does not protect the private interests of individuals.
- Construction disruption - Not a planning matter.
- Development should be re-directed elsewhere - This does not preclude assessment of the proposal.
- Developer profits - Not a planning matter.
- Worrying that the council is selling public green space to balance the books - The sale of land is a civil matter.
- Unacceptable for any of the existing garden area to be temporarily inaccessible or unusable during building works, without the express consent of all owners of properties at numbers 1-6 Canonmills - landownership is a civil matter.
- Local parks are rapidly deteriorating due to the effects of overdevelopment - Not within the scope of the assessment to resolve.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places. The proposed development does not comply with LDP policy Env 18 e) as the loss of open space is not for a community benefit. The planning history and the characteristic of the site is a relevant material consideration in balancing its loss against LDP policy Des 2 (Co-ordinated development). The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. It would therefore be unreasonable to refuse planning permission. An exception to LDP policy Env 18 e) is therefore justified. The proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions have been applied to address further matters in more details. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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

2. 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 until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
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 commencement of development, the applicant is required to provide written confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Notwithstanding the approved drawings, drawing details of the proposed Mechanical Ventilation Heat Recovery (MVHR) as recommended in acoustic report (Xi Engineering Consultants, Music Noise Impact Assessment - Supplementary Report 49 - 51 Eyre Place, Edinburgh, EH3 5EY. Report presented to: Eyre Place Properties Limited. Dated 14/06/2023. Document number: v6) shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

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.
5. To ensure that the proposed development is compliant with NPF4 policy 22 and LDP policy Env 21.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To ensure that noise mitigation measures are delivered.

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 incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
4. 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
5. The applicant should be advised that, as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf
6. [_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build)

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 3 April 2023

Drawing Numbers/Scheme

01-02, 03A- 04A, 05, 06A-11A, 12 - 21

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Do not support closed windows ventilation systems.

DATE: 27 June 2023

NAME: Flood Prevention

COMMENT: Proceed to determination.

DATE: 18 July 2023

NAME: Archaeology

COMMENT: No objections subject to conditions.

DATE: 6 April 2023

NAME: Waste Management Services

COMMENT: Informative required.

DATE: 18 July 2023

NAME: Children and Families

COMMENT: No contributions required.

DATE: 18 July 2023

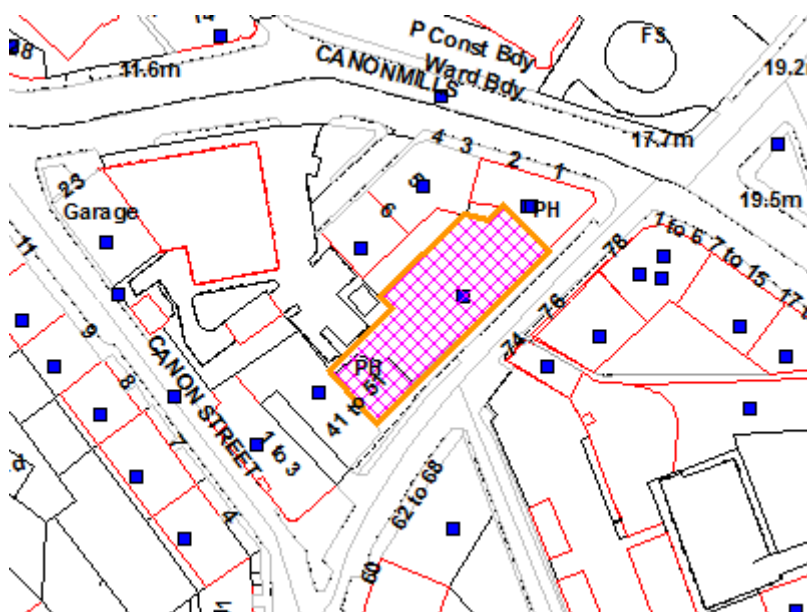
NAME: Transport Planning

COMMENT: No objections, subject to conditions/informatives.

DATE: 23 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 9 August 2023

Application for Planning Permission

Brunstane Primary School, 106 Magdalene Drive, Edinburgh

Proposal: Two double-storey classroom blocks and a single-storey WC block to provide temporary facilities at Brunstane Primary school for up to 2 years. Buildings will be sited within the school grounds.

Item – Committee Decision

Application Number – 23/02384/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as the applicant is the Council.

Recommendation

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

Summary

Subject to a condition restricting planning permission for a temporary period of two years, the proposed development in the short term is compatible with NPF 4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. The condition is to reflect the temporary nature of the development. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to the playgrounds of Brunstane Primary School and is located off Magdalene Drive.

Brunstane Primary School building sits at the centre of the site with Magdalene Community Education Centre to the west and the school nursery sits to the south. The site is bordered by residential properties to the north and west. The A1 dual carriageway runs along the east of the site with an outdoor playpark between the school on eastern boundary. The southern edge of the site borders a local natural conservation site.

Description Of The Proposal

The application seeks temporary planning permission to install 'Portakabins' classroom facilities within the school grounds for a period of two years. The proposal includes two double-storey classroom blocks (Block 1 and Block 2) and a single-storey toilet block (Block 3). This is to provide temporary accommodation during the rebuilding of the school after a fire.

Supporting Information:

- Product specification

Relevant Site History

23/02395/FUL
Brunstane Primary School
106 Magdalene Drive
Edinburgh
EH15 3BE

Fabric upgrades including new external render and cladding systems, and new windows. New heating and ventilation system including air source heat pump and mechanical ventilation with heat recovery. This includes external plant equipment. Proposals also include improvements to building accessibility and minor internal alterations and enhancements to internal user comfort. Brunstane Primary School is a pilot retrofit project to target near net zero operational carbon emissions by 2035.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 14 June 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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2 and 3;
- NPF4 Liveable Places policy 14;
- NPF4 Productive Places policy 25; and
- LDP Design policies Des1, Des 4 and Des 5.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering design and amenity related policies.

Principle of Development

The site is located within the urban area and is within the curtilage of the existing school. The principle of development within this location is therefore established.

The design and siting of the proposed 'Portakabins' classroom and WC facilities reflect the interim arrangement to rebuild the existing school. For that reason, it will be necessary to impose a planning condition to require its removal after a period of two years. This is to safeguard amenity impacts on its surroundings and to reflect the temporary nature of the proposals.

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed temporary accommodation is to facilitate the rebuilding of the school after a fire which supports the spatial principles of 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

NPF4 policy 2 seeks to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. Information provided on the proposed plan drawing states that temporary buildings with a planned use of less than two years are exempted from the national building regulation requirements for energy efficiency. SEPA's flood maps show low/medium potential for localised effects of surface flooding within the school grounds. Given the temporary nature of the 'Portakabins' classroom facilities within existing school grounds and on existing hardstanding tarmac, it would be onerous and unreasonable to request a Flood Risk Assessment and Surface Water Management Plan in these circumstances. While current impacts of climate change are not demonstrated, the temporary nature of the structures ensures that potential future impacts will be minimised.

Amenity

LDP policy Des 5 (Development Design - Amenity) requires the amenity of neighbouring developments not to be adversely affected.

The proposed development will not result in unreasonable loss of privacy, sunlight or result in adverse overshadowing.

Conclusion in relation to the Development Plan

Subject to a condition restricting planning permission for a temporary period of two years, the proposal in the short term is compatible with the policies contained in NPF4 and in the Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

Access to the ground floor will be step free. The classrooms provided on the ground floor account for 50% of the overall classroom space. Therefore, anyone with accessibility needs will be provided for, and able to work and learn in one of these rooms, be it a pupil, staff member or visitor. Occupancy of all classrooms will be a maximum of 30 (28 children and 2 teachers) at any one time, therefore each floor will not have an occupancy of over 60 at any one time.

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 were received.

Conclusion in relation to identified material considerations

The material planning considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

Subject to a condition restricting planning permission for a temporary period of two years, the proposed development in the short term is compatible with NPF 4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. The condition is to reflect the temporary nature of the development. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Permission is granted for a limited period of two years from the date of this permission. The use hereby approved shall cease and any related buildings or structures removed prior to or on the date of expiry of the limited period of consent. The land shall be restored to its previous condition within 3 months of the cessation of the development.

Reasons

1. Due to the temporary nature of the proposed development.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 14 June 2023

Drawing Numbers/Scheme

01-09.

Scheme 1

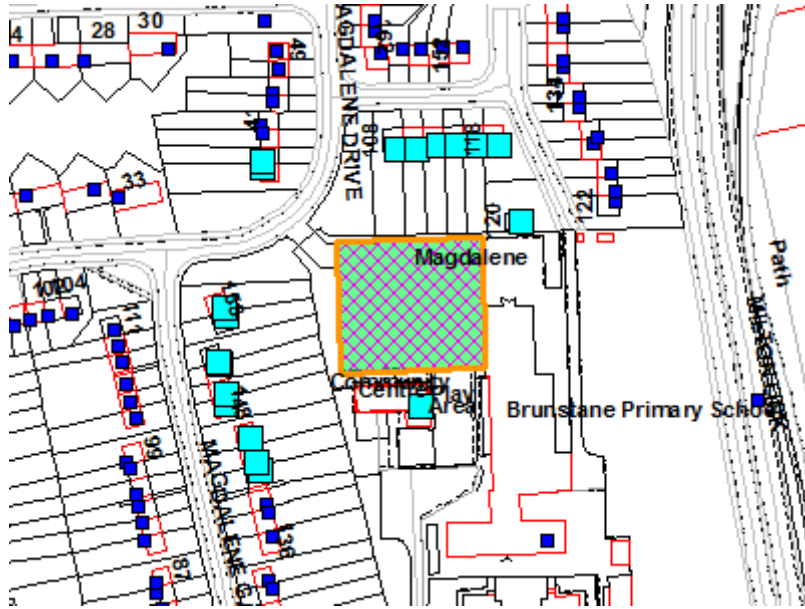
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 9 August 2023

Application for Planning Permission

Brunstane Primary School, 106 Magdalene Drive, Edinburgh

Proposal: Fabric upgrades including new external render and cladding systems, and new windows. New heating and ventilation system including air source heat pump and mechanical ventilation with heat recovery. This includes external plant equipment. Proposals also include improvements to building accessibility and minor internal alterations and enhancements to internal user comfort. Brunstane Primary School is a pilot retrofit project to target near net zero operational carbon emissions by 2035.

Item – Committee Decision

Application Number – 23/02395/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as the applicant is the Council.

Recommendation

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

Summary

The proposed development complies with NPF 4 policies in relation to sustainable, liveable and productive places. The proposed development complies with the Edinburgh Local Development Plan policies. Conditions relating to materials and details of a standalone plant enclosure have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to Brunstane Primary School which is a two and three storey building and is located off Magdalene Drive.

Within the school grounds, Magdalene Community Education Centre sits to the west of the primary school building and the school nursery sits to the south. The site is bordered by residential properties to the north and west. The A1 dual carriageway runs along the east of the site with an outdoor playpark between the school on eastern boundary. The southern edge of the site borders a local natural conservation site.

Description Of The Proposal

The proposal is to retrofit the existing Brunstane Primary School building to target net zero operational carbon emissions by 2035 and to improve the accessibility of the building. The proposed works include:

- New rendered external wall insulation to all external walls;
- Replacement doors and windows;
- Replacement of existing curtain wall sections with new rainscreen cladding system;
- New insulation to existing roofs;
- New whole-building ventilation system with heat recovery including externally located Air Handling equipment;
- New Air Source Heat Pump system providing space heating and hot water external located condenser units; and
- New step free access to all entrances.

Supporting Information

- Noise Impact Assessment; and
- Design and Access Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1 and 2;
- NPF4 Liveable Places policy 14;
- NPF4 Productive Places policy 25 and
- LDP Design policies Des1 and Des 12.

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

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the 'Just transition' in terms of targeting net zero.

NPF4 policy 2 c) states that retrofitting measures to existing developments to reduce emissions or support adaptation to climate change will be supported. The proposed development complies with this criterion in terms of improving insulation, air tightness, and use of air source heat pumps which is a low carbon technology to heat buildings.

Design, quality and place

The proposed external works will enhance the distinctiveness of Brunstane Primary School without adverse harm to its neighbourhood character. A condition, requiring details of the proposed colour strategy for the proposed windows, render and rainscreen cladding is required. This is to ensure that the proposed development will be finished to a high standard of design and that the colour strategy is appropriate for its context.

Amenity

The proposed external works to the existing building will not result in loss of privacy, sunlight or result in overshadowing.

Environmental Protection were consulted on the proposal and raised no objection, subject to a condition requiring a 2-metre-high closed boarded open top acoustic enclosure installed around the external plant compounds. Three plant enclosures will be located on the east elevation of the existing building and will measure between 3 to 4 metres high. A standalone plant enclosure, adjacent to the existing bin store on eastern section of the site is proposed but the height of this enclosure is unclear. As the application relates to an established school use, the definition of 'development' under section 26 of the Town and Country Planning (Scotland) Act 1997 (as amended) does not apply to the operational control of plant or machinery. Therefore, a condition requiring a 2-metre-high enclosure to be installed prior to operation of the plant equipment is not applicable as it would not meet the policy tests for an effective planning condition under Circular 4/1998 in terms of its relevance to planning. A condition, however, requiring details of the proposed standalone plant enclosure to the east of the site to be provided is required. This is to assess this matter in more detail and to be clear what consent is granted for.

Conclusion in relation to the Development Plan

The proposal complies with the policies contained in NPF4 and in the Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. As proposed development contributes to the 'Just transition' in terms of targeting net zero, climate related mental and physical effects will be enhanced as a result. In addition, the proposed works to introduce step free access to all entrances will improve the accessibility of the building.

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 general comment was received, and a summary of the representation is provided below.

non-material considerations

- Children deserve a brand-new school, and this application is throwing money down the drain - not material to the assessment of the application or within the scope of the application to resolve.

Conclusion in relation to identified material considerations

The material planning considerations have been identified and addressed. There are no outstanding material considerations.

Overall conclusion

The proposed development complies with NPF 4 policies in relation to sustainable, liveable and productive places. The proposed development complies with the Edinburgh Local Development Plan policies. Conditions relating to materials and details of a standalone plant enclosure have been applied. This is to address matters in more detail and to ensure that a policy compliant scheme is delivered. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Notwithstanding the approved drawings, details of the proposed standalone plant enclosure to the east of the site (adjacent to bin stores) as shown on Drawing 12 and 13 shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

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 enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 June 2023

Drawing Numbers/Scheme

01-21

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

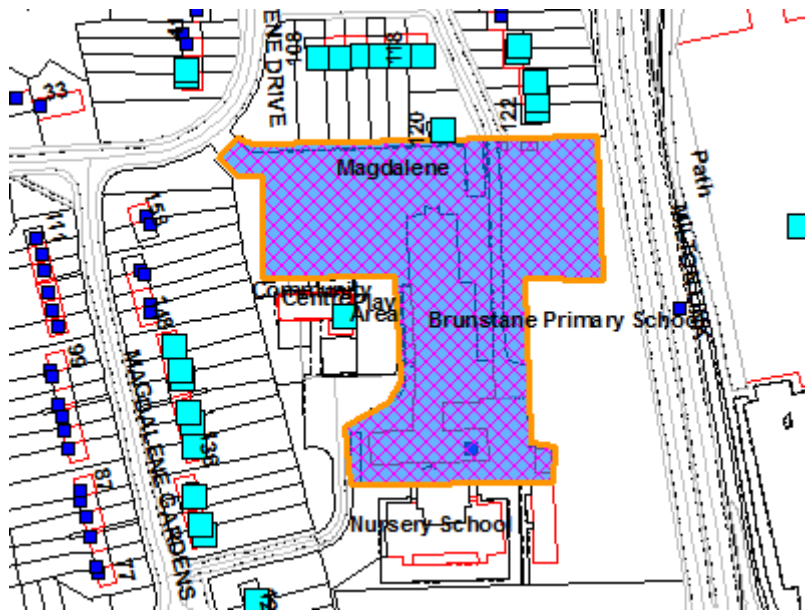
NAME: Environmental Protection

COMMENT: No objection, subject to a condition requiring a 2metre high plant enclosure.

DATE: 14 June 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 9 August 2023

**Application for Planning Permission
Roof Terrace, Waverley Mall, 3 Waverley Bridge**

Proposal: Pop-up Festival Village including erection of structures and provision of cafe, bars, food, and drink uses, toilets, seating and ancillary facilities and works.

**Item – Committee Decision
Application Number – 23/02154/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 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

For the time period proposed and for the duration the development has been in place to date, the proposal would not preserve the character and appearance of the New and Old Towns Conservation Areas and has an adverse impact on the setting of adjacent listed buildings, consequently it fails to comply with Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There is a temporary negative impact on the Outstanding Universal Value of the Old and New Town of Edinburgh World Heritage Site with disruption to key views and loss of the publicly available viewing platform to appreciate the juxtaposition of the outstanding design and character of Edinburgh's Old and New Towns.

The proposed scale, design, and appearance of the proposal does not draw upon the positive characteristics of the area and the proposal does not comply with LDP policies Des 1 or Des 4, nor NPF 4 policy 14. The proposal results in the temporary loss of civic open space in its entirety for the period of operation of the development and is contrary to LDP policy Env 18.

The proposal would comply with LDP policy Ret 1 and NPF 4 policy 27 by prioritising development in an existing town centre. The proposal would also comply with NPF 4 policy 1, development plan waste management policies and sustainable transport policy objectives. Partial compliance with NPF 4 objectives to support culture and creativity is demonstrated, as well as compliance with sustainable travel objectives.

On balance, the proposal does not comply with the development plan as a result of its design and scale and resultant effect(s) on local amenity and the historic environment for the duration proposed. There are no material considerations, including the asserted economic benefit of the proposal, that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located at the roof terrace of Waverley Mall shopping centre. The roof terrace lies adjacent to the southern side of Princes Street and the eastern side of Waverley Bridge. Waverley Station is situated immediately to the south and the site extends to the walkway for station lift access at its eastern side.

The roof terrace is an area of public space which comprises a mixture of open plaza, grassed areas and walkways accessible only from Princes Street. The plaza and walkways are finished in silver grey granite.

The application site extends to most of the roof terrace area but excludes the glazed and concreted roof areas of the shopping centre and the walkway to the lift access to Waverley Station. The application site is currently occupied by a range of temporary structures.

The surrounding area is predominantly commercial in nature and is characterised by the various street level retail premises situated along Princes Street and the Balmoral Hotel located directly to the east. Princes Street Gardens is situated to the west of the site. The site affords expansive views towards Edinburgh Castle to the southwest, the Old Town ridge to the south and Arthur's Seat to the southeast.

The application site is in the New Town Conservation Area and the Edinburgh World Heritage Site. There are a number of listed buildings surrounding the site including buildings on Princes Street, the Scott Monument, the North Bridge and buildings on Market Street and the Old Town. Notable Listed Buildings nearby include:

- 1 Princes Street And 2-18 (Even Nos) North Bridge, The Balmoral Hotel (Former North British Hotel) - Category B Listed 15 June 1994 - Reference LB30315.
- Waverley Station (4 Waverley Bridge), Former Parcels Office (17 Waverley Bridge), And Waverley Bridge, (Excluding Waverley Steps), Edinburgh- Category A Listed 12 November 1991 - Reference LB30270.

Description Of The Proposal

The applicant proposes temporary use of the roof top of Waverley Mall for a pop-up 'Festival Village', seeking permission until 30 September 2023 with a further six-week period from 01 October 2023 to dismantle the development and fully vacate the site.

A site layout plan shows that structures will be distributed around most of the application site. Structures include for cafe, bar, food and drink uses, eight domes, toilets, covered seating areas, ancillary facilities and for back of house and servicing. Screening of varying types including planters, vinyl wrapping and foliage panels at the site peripheries is also proposed. The covered seating areas include various framed structures with a mixture of retractable, louvred and timber and polycarbonate materials applied to the roofs. No scaled elevation plans for structures are included in the submission. The application form notes development has started it is possible to view many of the proposed structures in place at the application site.

The proposal is laid out in five distinct zones and supplemented by circulatory space. The applicant notes in supporting information the intention to diversify activities on the rooftop to increase areas of café and restaurant, and invest in family friendly activities throughout the summer.

Supporting Information

The applicant has included the below information in support of the application which is available to view on the Planning & Building Standards Online Services:- Supporting forms and drawings.

- Planning statement.
- Design statement.
- Management statement.
- Noise Management Plan.
- Festival Village Plans document.

Relevant Site History

15/04266/FUL
Roof Terrace
Princes Mall
3 Waverley Bridge
Edinburgh

Erection of Christmas attractions on the public concourse of the roof of Princes Mall.
Granted
3 November 2015

15/05426/FUL
Roof Terrace
Princes Mall
3 Waverley Bridge
Edinburgh

Erecting a traditional carousel, dispense stands, kiosk and planters on the public concourse.

Refused
18 January 2016

16/01660/FUL
Roof Terrace
Princes Mall
3 Waverley Bridge
Edinburgh

Erect temporary entertainment structure on western roof terrace of Princes Mall (as amended).

Granted
25 May 2016

16/04001/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Changes of use from Tourist Information Centre, Office, Retail, mall + plaza to form Restaurant/Bar with terrace + Tourist Information Centre; recladding, new glazing + rooflights, reconfiguration of shopfronts, formation of fire escape, erection of glass balustrade, public realm + downtakings.

withdrawn
17 May 2018

16/04038/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erect temporary entertainment structure on western roof terrace of Princes Mall.

Granted
5 October 2016

16/04882/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Temporary provision of Christmas attractions on roof concourse from 18 November 2016 until 8 January 2017.

Granted

12 December 2016

17/03159/FUL

Roof Terrace

Waverley Mall

3 Waverley Bridge

Edinburgh

Erection (Temporary) of Festival Village including: public house/bar areas, beer garden, live stage area, hot food kiosks, associated seating area, toilets (inc. disabled) and associated structures/works (as amended).

mixed decision

13 November 2017

18/02610/FUL

Roof Terrace

Waverley Mall

3 Waverley Bridge

Edinburgh

Application to Vary Condition 2 of Permission Reference: 17/03159/FUL to allow operation on the following dates:

June 15th 2018 to September 1st 2018,

November 15th 2018 to January 1st 2019,

June 15th 2019 to September 1st 2019.

Granted

5 September 2018

18/02748/FUL

Roof Terrace

Waverley Mall

3 Waverley Bridge

Edinburgh

Reconfiguration of roof-top structures and construction of new commercial accommodation (Class 1, 2 and 3), internal cinema use (Class 11) and creation of external multi-use space to include external seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment (Classes 1, 2, 3 and 11).

Granted

1 August 2019

19/04383/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erection (temporary) of festival village: including public house/bar areas, beer garden, live stage area, hot food kiosks, associated seating area, toilets (including disabled) and associated structures/works (partially in retrospect).

withdrawn
19 February 2020

19/04390/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erection (temporary) of festival village extension, including: bar areas, beer garden, live stage area, hot food kiosks, associated seating area, toilets and associated structures/works (including winter marquee).

withdrawn
19 February 2020

19/05095/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Erection of a temporary pop-up bar.

withdrawn
7 February 2020

18/02748/VARY
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Non Material Variation to planning consent 18/02748/FUL
VARIED
26 August 2020

22/04639/FUL
Roof Terrace
Waverley Mall
3 Waverley Bridge
Edinburgh

Temporary use of the Waverley Market roof top for pop-up Festival Village, including erection of structures and provision of cafe, bars, food and drink uses, retail kiosks, toilets, seating and ancillary facilities and works.

Refused

9 December 2022

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Planning

Network Rail

Edinburgh World Heritage

Police Scotland

Historic Environment Scotland

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 30 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 June 2023

Site Notices Date(s): 6 June 2023

Number of Contributors: 68

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 application site contributes to the setting of a number of category A and B listed buildings and structures, namely with respect to views to and from them. These include the Balmoral Hotel which is situated in closest proximity and lies directly to the east of the site, and the adjacent Waverley Station. Across Princes Street and the Waverley Valley further listed buildings are clearly visible in the distance with this sense of space contributing to their setting and their understanding in both the Old and New Towns.

Apart from the covered roof area of Waverley Steps to the east of the site, when not occupied by temporary structures the expanse of the Waverley Mall roof is open and helps to facilitate largely unhindered views to many of these listed buildings and structures, in particular views to the Balmoral Hotel and the listed rooftop of Waverley Station and towards the listed buildings of the Old Town from Princes Street.

The HES Managing Change guidance on Setting states: Setting can be important to the way in which historic structures or places are understood, appreciated and experienced. 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.

The guidance goes on to state the factors that contribute to setting include: views to, from and across or beyond the historic asset or place; key vistas; the prominence of the historic asset or place in views throughout the surrounding area; general and specific views including foregrounds and backdrops; and a 'sense of place': the overall experience of an asset which may combine some of these factors.

In recent years, pop-up development has operated at the site for time-limited periods during a twelve-month period. Previous assessments for applications for planning permission for similar development at this location concluded that pop-up development would have an acceptable time-limited impact on the setting of surrounding listed buildings since the adverse effects would be over short periods of time. At present, the temporary development as shown in the applicant's existing site plan has been in place at the mall without the benefit of planning permission since emergency planning legislation and guidance during the Covid 19 pandemic. Previous developments have typically been for development of a lesser footprint at this site where some of the rooftop was still available as civic open space to retain to a degree key views in the area and access to space to appreciate the setting of listed buildings.

The applicant proposes to retain the temporary development that is currently in place at Waverley Mall until 30 September 2023, followed by a six-week period to remove the temporary structures. The proposal for temporary development to continue until the end of September 2023 would result in adverse effects on the setting of listed buildings at this sensitive location. The proposal has been largely in place for most of 2022 and 2023 over a continuous period. Previous planning permission(s) for time-limited periods during a twelve-month period have been at targeted times of the year, the proposal has largely been in place for seven months of the twelve in 2023 already. The proposal would extend the adverse effects on listed buildings for nine months of the calendar year before being removed.

The proposal has to date and will until its removal disrupt key vistas to and from listed buildings and the general backdrop of historic assets across the Waverley Valley. Consequently, the setting of historic buildings and structures will be adversely affected for the proposed duration of the development and a period thereafter during its removal.

Conclusion in relation to the listed building

The proposal has for a continued period since its operation adversely affected the setting of surrounding listed buildings. The identified impacts are proposed to continue until the date of the proposal's removal and for this duration compliance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 would not be achieved.

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

The application site is within the New Town Conservation Area. The roof terrace of Waverley Mall adjoins the Old Town Conservation Area. The New Town Conservation Area Character Appraisal places a particular emphasis on the numerous viewpoints throughout the New Town as being a key aspect in contributing to the character of the conservation area stating:

Terminated vista within the grid layouts and the long distance views across and out of the Conservation Area are important features. The grid layout follows the topography throughout the area providing a formal hierarchy of streets with controlled vistas and planned views both inward and outward and particularly northwards over the estuary. The cohesive, historic skyline makes an important contribution to the Conservation Area and it is particularly crucial to control building heights, particularly along skyline ridges. The character appraisal goes on to state that opportunities for enhancing the Conservation Area should include the sensitive interpretation of traditional spaces in new development, whilst the importance of the Balmoral Hotel and its positive contribution to important views along Princes Street is identified as well.

The application site is in a prominent location at the meeting of the New and Old Town Conservation Areas, with the proposal occupying most of the roof space of Waverley Mall. The applicant highlights that previous planning permissions have been approved for temporary development of a similar style. The proposal on this occasion is for a temporary development up to 30 September 2023 with six weeks thereafter to remove all aspects of the development. The extent of development proposed is of a more intense nature in comparison to previous temporary permissions.

The applicant submits that the proposal is appropriate in terms of its overall design, appearance, height and form at this sensitive location. A number of design features utilise materials such as vinyl wrapping at boundaries, artificial foliage panels, patterned screening, timber decking, metal and timber covered seating areas with pergola roofs of timber and polycarbonate, and food and café/bar kiosks with decorative detailing. The New Town is characterised by a variety of open spaces and development with traditional materials and decoration such as sandstone, pitched slate roofs, timber windows, cast iron work and railings, and generally high-quality and durable materials that display a degree of permanency. As a temporary 'pop-up' development the proposal's design is not consistent with the appearance of the area; however, the scale of the proposal on most of the roof top intensifies the adverse visual impact of the proposal at a highly sensitive location within the City.

With reference to the New Town's character at this location, the character appraisal notes that buildings along Princes Street have evolved to be in retail use with office, leisure and hotels at upper floors; the proposal intensifies the leisure aspect of Princes Street at this location. The proposal currently occupies and has occupied for a number of months a prominent position within the New Town Conservation Area, operating as a pop-up style development. The proposal would continue to contrast with the characteristics of the conservation area until it is removed at the end of September 2023, having been in place for a longer than usual period for a pop-up use within the New Town.

The proposal has been in operation for a continued period of time since 2022 without planning permission after the end of the Covid-19 pandemic emergency legislation and government guidance. The applicant's supporting statement acknowledges that guidance from the Scottish Government's chief planner for planning authorities to relax planning controls expired on 01 October 2022. As noted above in considering the effect of the proposal on the setting of listed buildings in the area, the temporary development has already been in place for a long-period of time and would continue to have an adverse effect on the character of the New Town Conservation Area up to 30 September 2023 and a period thereafter until the proposals' removal.

During the proposed period of operation, the proposal will impact adversely on the character and appearance of the New Town Conservation area due to its scale, intensity, visual impact on the Balmoral Hotel's importance in the local area, and the interpretation of the juxtaposition between the Old and New Towns. The proposal does not relate positively to the special character and appearance of the New Town Conservation Area and will create an environment which is not in keeping with its historical context.

Conclusion in relation to the conservation area

The development does not relate positively to the special character and appearance of the New Town Conservation Area and will create an environment which is not in keeping with its historical context for a temporary period of time up to 30 September 2023 and the period thereafter for removal of the development.

c) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies

supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 policies 1 (Tackling the climate and nature crisis), 4 (Natural Places), 7 (Historic assets and places), 9 (Brownfield, vacant and derelict land and empty buildings), 12 (Zero Waste), 13 (Sustainable Transport), 14 (Design, quality and place), 23 (Health and safety), 27 (City, town, local and commercial centres), 31 (Culture and creativity).
- LDP policies Del 2, Des 1, Des 4, Des 5, Env 15, Env 18, Ret 1, Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance and the Edinburgh Design Guidance are material considerations.

Listed buildings, conservation area and World Heritage Site

The impact of the proposal on the setting of surrounding listed buildings and the Old and New Town Conservation Areas has been addressed above in the context of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997).

In addition to the above assessments, National Planning Framework 4 policy 7 intends to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. A series of policy criteria are listed in the policy to achieve this policy aim. Of relevance to this assessment are parts of policy 7 criteria a) c), d), e), and l). The policy text concludes that where impacts cannot be avoided, they should be minimised.

- Criterion a) requires development proposals with a potentially significant impact on historic assets of places to be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. Likely visual or physical impacts should be identified and proposals should be informed by national policy and guidance on managing change in the historic environment. The applicant's planning statement notes the required assessment has not been submitted and affirms that the design statement sufficiently demonstrates a sensitive and acceptable design approach to the historic environment.
- Criterion c), in the second sentence, requires development proposals that affect the setting of a listed building to preserve its character and its special architectural or historic interest. In this case the proposal would have a time-limited adverse effect on the setting of the Balmoral Hotel, Waverley Station, and other nearby listed buildings in the New and Old Towns.
- Criterion d) seeks to protect the character and appearance of conservation areas including the architectural and historic character of the area; existing density, built form and layout; and context and siting, quality of design and suitable materials. As noted in the above assessment text, the scale of the development proposal at this site in combination with its design features result in an adverse impact on the character and appearance of the New Town Conservation Area at this location and the contrast with the adjacent Old Town

Conservation Area. As a temporary development, the adverse impact identified in this report would occur until the proposal is removed.

- Criterion I) requires new development that affects a World Heritage Site (WHS) or its setting to protect and preserve Outstanding Universal Value. The Old and New Towns of Edinburgh World Heritage Site was inscribed in 1995 for a number of reasons but a significant factor *is the contrast between the organic medieval Old Town and the planned Georgian New Town provides a clarity of urban structure unrivalled in Europe. The juxtaposition of these two distinctive townscapes, each of exceptional historic and architectural interest, which are linked across the landscape divide, the "great arena" of Sir Walter Scott's Waverley Valley, by the urban viaduct, North Bridge, and by the Mound, creates the outstanding urban landscape.* This is embodied in the Statement of Outstanding Universal Value of the Site (OUV). Due to the mall's prominent position and the adverse impact on views across the Waverley Valley and views towards the Old Town, the proposal will have a detrimental and time-limited impact on the Outstanding Universal Value of the Edinburgh World Heritage Site. The structures would impede views and impact upon the appreciation of the juxtaposition of the two distinctive townscapes at this important location.

The applicant is of the view that the proposal's design as proposed will mitigate the adverse effects in relation the setting of listed buildings, character and appearance of the New and Old Town Conservation Areas, and the OUV of the WHS. Mitigation measures identified by the applicant include a rationalised design approach to structures and boundaries, and positioning structures to avoid infringement of key views. The applicant concludes there will be no harm to the WHS and as the development is temporary in nature it will be a temporary feature until 30 September 2023. Furthermore, the applicant emphasises any impact on the historic environment should be carefully balanced against economic and social benefits associated with the development.

Historic Environment Scotland (HES) provided a neutral comment on the proposal simply noting potential effects on the setting of Waverley Station, whilst Edinburgh World Heritage (EWH) did not submit comments on this occasion.

In conclusion, the proposal would have an adverse effect on the historic environment until its removal.

Principle of development

The application site is located within the city centre area in the adopted Edinburgh Local Development Plan (LDP). Policy Del 2 states that development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. Criterion b) requires a use or a mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area. The applicant contends that the proposal makes a positive contribution to the City as an area for local businesses to operate. The supporting text of policy Del 2 states that its intention is to guide development in the City Centre to ensure proposals provide an appropriate mix of uses and are of a high quality of design taking account of the characteristics of the historic environment. The proposal's effect on character and attractiveness of the City and its historic environment is considered

elsewhere within this assessment. It is accepted that the pop-up style development has provided a space for local business however a pop-up development up to September 2023 would make a limited strategic contribution to the City's business function.

Policy Ret 1 supports development of retail and other uses that generate a significant footfall using a sequential basis with priority given to town and city centre locations. Retail and leisure proposals with a gross floor area of over 2,500 square metres must be supported by a retail impact analysis. The proposal complies with policy Ret 1.

Policy 27 of NPF 4 has a similar policy intent to that of LDP policy Ret 1 and seeks to encourage, promote and facilitate development in city and town centres. Criterion a) of the policy sets out that development that enhances and improves the vitality and viability of city centres will be supported, and Policy 27 b) sets out that development proposals should be consistent with the town centre first approach, whereby proposals which generate significant footfall will be supported in existing city centres. The proposal would comply with this policy.

Policy Ret 7 (Entertainment and Leisure Uses) states that permission will be granted for high-quality, well-designed arts, leisure and entertainment facilities and visitor attractions in the city centre provided it meets the following criteria:

- a) The proposal can be satisfactorily integrated into its surrounding with attractive frontages to a high-quality design that safeguards existing character;
- b) The proposal is compatible with surrounding uses and will not lead to significant increase in noise, disturbance and on street activity at unsocial hours to the detriment of living conditions for nearby residents;
- c) The development will be easily accessible by public transport, foot and cycle.

The proposal seeks temporary approval for a 'Festival Village' to operate until 30 September 2023 followed by six weeks thereafter to remove the development. Previous planning permissions for temporary development established that for short durations of the year, pop-up development(s) linked to particular calendar events including Christmas and the City's summer festival programme, can be acceptable for short periods of time in a twelve-month calendar year.

The proposal could contribute to the city's strategic business and shopping function as has been accepted in previous applications at this location for development of a similar nature, albeit over shorter temporary time periods than the proposal has been in place to date and for lesser scales of development. In this case as a result of the intensity of the proposal in combination with its design, the proposal does not represent a high-quality design or a comprehensive design approach for development in this sensitive location that is required to safeguard the historic environment, to enhance the character of the city centre or its attractiveness. Consequently, the proposal does not comply with the broad aims and intentions of LDP policies Del 2 and Ret 7 due to its impact on the character and appearance of the area.

A retail impact analysis is not required in respect of LDP policy Ret 1 as the proposal is within the city centre.

In supporting information, the applicant states that NPF 4 policy 9 applies to the proposal as it utilises a previously developed site. The application site is comprised of a mixture of civic open space and vacant roof space at the Waverley Mall. One of the policy's outcomes seeks to maximise the use of existing assets and minimise additional

land take. Criterion a) of this policy lends support to temporary development that results in the sustainable reuse of vacant land and buildings, where the biodiversity value of the land is taken into account. In this case the site has limited biodiversity value and the proposed intensification on those areas of vacant rooftop space would draw a degree of support from this policy. The impact on the areas of the application site that are designated as civic open space are addressed below within this report.

Design and appearance

Policy 14 of NPF 4 intends to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. The policy goes on to state in criterion a) that proposals must be designed to improve the quality of an area regardless of scale, and in clause c) confirms that proposals that are poorly designed and detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places will not be supported.

LDP policy Des 1 (Design Quality and Context) states that planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance. Policy Des 4 (Impact on Setting) requires development to have a positive impact on its surroundings including the character of the wider townscape and landscape, and impact on existing views.

The supporting site layout plan and supporting design statements show that a range of structures are currently in place and proposed at the application site including café/bar structures, pergolas, food huts, glass domes, toilets, partitions and boundary treatments, and the back of house compound vary in their width and depth. The applicant details how many design features and materials are now rationalised for a more coherent design, and the position of some units have been amended. Whilst detailed elevation plans are not submitted, images of many of these structures are shown in the applicant's supporting Design Statement. The design, layout and appearance of these temporary structures have not been developed with attention to the surrounding context and would appear as incongruous elements in the historic townscape for the duration of the development. The proposal would have an adverse impact in design terms, and the combination of the proposal's duration, scale and design results in a development that does not have a positive impact on its surroundings such as the character of the wider townscape and landscape, and impact on existing views.

In the context of NPF 4 policy 14 and LDP policy Des 1 the proposal does not draw on the characteristics of the local area and the proposed materials are not characteristic of the City in this location. As note above in relation to adverse impact on existing views in relation to the historic environment and the proposal's surroundings, means the proposal would not be appropriate in the context of policy Des 4.

The proposal's design is not supported by the above noted development plan design policies.

Open space

Much of the application site is identified as 'Open Space' in the LDP Proposals Map. Local Development Plan Policy Env 18 (Open Space Protection) sets out the criteria for applications that would result in the loss of open space. Proposals must comply with all of criterion a) to c) and either of criteria d) or e). Due to the nature and scale of this proposal, access would in the most part be limited to patrons of the proposal only. The open space at Waverley Mall is identified in the Council's 2016 Open Space audit as reference CIV 2 and categorised as part of the City's 'civic open space' measuring 0.18 hectares. The Open Space audit (2016) reports that civic open space consists *'predominantly of hard landscaping that provide a focus for pedestrian activity and can make connections for people and wildlife'*.

The proposal would not comply with criterion a) of policy Env 18 as there would be a significant adverse impact on the quality and character of the local environment for the proposed duration of the proposal. The proposal has already been mostly implemented since 2022 without interruption and it is proposed to be in place for nine out of twelve months in 2023.

In relation to criterion b) of policy Env 18, the proposal's footprint extends across most of the Princes Mall open space area shown in the LDP map. The space offers good amenity value within the city centre as a civic amenity space. Criterion b) notes where there is a significant over-provision of open space serving the immediate area the loss of open space may be acceptable. The proposal's footprint extends across most of this specific open space and reduces its amenity value, as well as limiting it to customers. The proposal to erect boundary screening as a means to mitigate the appearance of the development and contain the area results in the creation of an enclosure of the open space which limits access to patrons of the proposal. The proposal does not comply with criterion b).

Criterion c) of policy Env 18 restricts the loss of open space where development would be detrimental to the wider network including its continuity or biodiversity value. As a civic open space consisting of mostly hard landscaping, with small areas of grass, the proposal would comply with this criterion as the impact on biodiversity value would be minimal.

Proposals must also accord with either qualifying criteria d) or e) of Policy Env 18 to meet the requirements for any loss of protected open space. Criterion d) of policy Env 18 does not apply as it would not be proportional to request contributions to improve an existing public park or open space. Criterion e) states that development must be for a community purpose and the benefits to the local community outweigh the loss. The proposal does not comply with this part of the policy.

In summary, the proposal does not comply with all the required terms of LDP policy Env 18 and the loss of civic open space to the duration, extent, and scale proposed is not appropriate.

Culture and creativity

The applicant highlights that NPF 4 policy 31 intends to encourage, promote and facilitate development culture and creative industries. Criterion b) of this policy supports development proposals for cultural uses that involve the temporary use of vacant spaces or property. This policy applies to vacant spaces or property only and the application site is a mixture of civic open space and vacant roof top areas. One of the two proposed stages is to be located on a rooftop area of Waverley Mall which could be considered a vacant space. The proposal partly complies with this policy by temporarily providing space for creative industry in the form of live music performance, however simultaneously the scale of the proposal infringes on the area of designated civic open space which is neither vacant nor a property in the form of a building or premises.

Impact on the Local Nature Conservation Site

LDP policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted. The application site is included within the Castle Rock Local Geodiversity Site. As the proposal is located on areas of hard standing and small areas of grass planting, it would not affect the flora, fauna, landscape or geological features of the Site and complies with LDP policy Env 15. Similarly, NPF4 policy 4 intends to protect, restore and enhance natural assets and criterion d) of the policy supports development only where there will be no adverse effects on the integrity of local nature conservation sites. The proposal would not cause adverse effects and complies with the policy.

Amenity and waste management

The applicant submitted a management plan and a noise statement in support of the application. LDP policy Des 5 (Development Design - Amenity) states that proposals will be supported where the amenity of neighbouring developments is not adversely affected. Criterion b) of LDP policy Ret 7 also states that new leisure and entertainment facilities should not lead to a significant increase in noise, disturbance or on-street activity at unsocial hours to the detriment of living conditions for nearby residents. Policy 23 of National Planning Framework 4 within clause e) also confirms that development resulting in unacceptable noise issues will not be supported. The policy further notes that a Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely.

The applicant's supporting information highlights that the closest dwellings to the stage area are to the west on Princes Street at a separation distance of approximately 20m, and to the south beyond Waverley Station on High Street and Fleshmarket Close. These dwellings are at an approximate separation distance of 285m. Two stages are included for live music which would be the principal source of potential noise from the development to sensitive receptors, along with deliveries and operational effects. Supporting information advises that music is generally between 12pm and 10pm and will be turned off at 10pm. Outwith the 6 weeks a year where there is a two-hour extension of licence times until 12am, and during these periods live music will take place between 12pm - 12am. There are generally 25 - 45 live music performances per week depending on the time of year with live music booked into two-hour slots, from 12pm-2pm, 2pm-4pm, 4pm-6pm, 6pm-8pm and 8pm-10pm.

The results of the applicant's supporting study state that the predicted off-site music noise levels will meet NR15 inside the closest identified habitable rooms, however meteorological conditions may significantly affect the received noise levels at any particular location. The applicant proposes a range of mitigation measures such as communication with local residents in advance of events, active monitoring of any effects and tailoring sound to specific conditions with particular focus on low frequencies, and use directional components to focus sound on the live music area.

The supporting information demonstrates that while noise from live music will be audible it is predicted to comply with NR15 standards and can be managed. The applicant highlights that a range of significant noise sources within the City can mask music noise in some instances but not all, and it is further highlighted that application site is located within the city centre, where there is already a high level of ambient street noise. Noise amenity impacts associated with the proposal will be subject to regulations not controlled by the planning authority. Environmental Protection acknowledge the applicant's supporting information and note a degree of concern with regard to noise impact and in the event the committee grant planning permission, a condition is recommended.

Policy 12 of NPF 4 supports development proposals that seek to reduce, reuse, or recycle materials in line with the waste hierarchy. Criterion c) specifies where development proposals are likely to generate waste when operational they must set out how much waste is likely to be generated and how it will be managed. Whilst no estimate on the likely quantum of waste to be generated has been provided with the application, the applicant's supporting Management Statement confirms that waste management facilities are included in the proposal which cater for mixed recyclables, general waste, and glass. The supporting information confirms waste separation, appropriate segregation and storage of waste, convenient access for collection and waste management at source will be possible and the proposal complies with the intent of NPF 4 policy 12.

Transport and road safety

The application site is situated in an area of the City that has excellent links for public transport and the proposal accords with the LDP's objectives to prioritise sustainable travel. The proposal would accord with NPF 4 policy 13 which also seeks to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

The Roads Authority did not comment on this application, however noting the site's recent application history for a similar scale of development no objections in relation to movement and transport were previously raised. The applicant has highlighted that the operational area of the Festival Village has been reduced at its northern boundary to reduce congestions along Princes Street and adjacent bus stops.

Climate

Policy 1 of NPF 4 requires significant weight be given to the global climate and nature crises when considering development proposals. The proposal is well-situated to cater for sustainable transport and includes suitable waste management facilities under commercial arrangement. In the context of the climate and nature crises the scale of the proposal means it will have a negligible effect. The proposal complies with NPF 4 policy 1.

Conclusion in relation to the Development Plan

The proposal would result in adverse effects on the historic environment including the setting of listed buildings, character and appearance of conservation areas, and the OUV of the WHS for a time-limited period while the proposal is in place for nine out of the twelve months of 2023. In relation to design, the proposal's scale, and overall scale is not supported by the development plan. The temporary enclosure of civic open space on the scale proposed is not supported by policy objectives. The proposal would comply with some aspects of the development plan including the sequential test for prioritising development in town centres, sustainable travel, culture and creativity, and its neutral effect on the Local Nature Conservation Site.

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.

Circular 4/1998

Paragraph 105 of Circular 4/1998 'Use of Conditions in Planning Permissions' outlines the principles that apply to temporary planning permissions stating *"the reason for granting a temporary permission can never be that a time-limit is necessary because of the effect of the development on the amenity of the area. Where such objections to a development arise they should, if necessary, be met instead by conditions whose requirements will safeguard amenity. If it is not possible to devise such conditions and the damage to amenity cannot be accepted, then the proper course is to refuse permission.* The applicant's supporting statement advises that the Circular also states *that a temporary permission will normally only be appropriate either where the applicant himself proposes temporary development'*. In this case as the applicant has proposed the limited time period and the proposal can be assessed on its merits as an application for temporary development.

Height

Development which takes place on the roof of Waverley Mall has been historically required to remain below certain height levels which have been set out in various Acts of Parliament, most recently the City of Edinburgh District Council Order Confirmation Act 1991. Section 35 of the 1991 act specifies that no buildings shall be constructed on the roof of the mall beyond a height of 4.55 metres above the south foot pavement of Princes Street.

Whilst this is a legal issue, it does set an acceptable height limit for the development of Waverley Mall. The applicant has not submitted details in relation to height for every structure with this planning application, however details of the pergolas and bar structures in recently refused application reference 22/ 04639/FUL which are broadly the same as those proposed in this application are shown to measure up to approximately three metres in height.

Compliance with this height restriction is not clearly demonstrated for all proposed structures in the application, however this is a legal matter, and the applicant would be required to ensure all development is below the maximum height(s) specified in the City of Edinburgh District Council Order Confirmation Act 1991.

Network Rail comments

Network Rail provided comments that confirm no objection to the proposal subject to recommended conditions in relation to details on waste management and litter collection at the site and the submission of a fire risk assessment due to the site's close proximity to the operational railway land. Should the committee be minded to grant planning permission it is recommended these conditions be attached to any decision.

Police Scotland comments and anti-social behaviour

Police Scotland notes anecdotally in consultation comments that in the past the application site has been a problem area for anti-social behaviour, but pop-up bars and the associated footfall and security presence reduce the need for police intervention. The Police Scotland comments further note that continuous trading of the operation will only enhance those benefits and further displace any youths still congregating in that area. Public comments note that the proposal may impact upon anti-social behaviour, with some comments highlighting the development benefits the area and others asserting the development is a source of anti-social behaviour. Whilst anti-social behaviour and behaviour of individuals is not a planning matter, the proposal's design, extent, and scale can influence the potential for anti-social behaviour.

Equalities and human rights

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

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

Public representations

Sixty-eight representations were received on the application comprising of 62 in support and six objection comments. A summary of the representations is provided below:

Material considerations - object

- Object to adverse impact on historic environment.
- Objection to adverse effect on views and local character.
- Object to proposal's design.
- Object to layout and resultant congestion within the street.

Material considerations - support

- Support for the continued use of the application site as a temporary development and the associated economic and cultural industry benefits.
- Support positive contribution of the proposal to East Princes Street.
- Support design concept and details for the proposal.

Non-material considerations

- Positive effect on tourism.
- Positive environment for employees.
- Object to potential anti-social behaviour.
- Support beneficial effect on previous anti-social behaviour at the site.
- Object to potential for impact on trade for permanent businesses in the area.

Conclusion in relation to identified material considerations

The proposal raises no material considerations that would outweigh or influence the outcome of the assessment against the development plan.

Overall conclusion

For the time period proposed and for the duration the development has been in place to date, the proposal would not preserve the character and appearance of the New and Old Towns Conservation Areas and has an adverse impact on the setting of adjacent listed buildings, consequently it fails to comply with Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There is a temporary negative impact on the Outstanding Universal Value of the Old and New Town of Edinburgh World Heritage Site.

The proposed scale, design, and appearance of the proposal does not draw upon the positive characteristics of the area and the proposal does not comply with LDP policies Des 1 or Des 4, nor NPF 4 policy 14. The proposal results in the temporary loss of civic open space in its entirety for the period of operation of the development and is contrary to LDP policy Env 18.

The proposal would comply with LDP policy Ret 1 and NPF 4 policy 27 by prioritising development in an existing town centre. The proposal would also comply with NPF 4 policy 1, development plan waste management policies and sustainable transport policy objectives. Partial compliance with NPF 4 objectives to support culture and creativity is demonstrated, as well as compliance with sustainable travel objectives.

On balance, the proposal does not comply with the development plan as a result of its design and scale and resultant effect(s) on local amenity and the historic environment for the duration proposed. There are no material considerations, including the asserted economic benefit of the proposal, that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

1. The proposal will have a detrimental impact on the character and appearance of the New and Old Town conservation areas and is therefore contrary to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and National Planning Framework 4 policy 7 (Historic Assets and Places).
2. The proposal will have an adverse impact on the setting of a number of nearby listed buildings and is therefore contrary to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and National Planning Framework 4 policy 7 (Historic assets and places).
3. The proposal will have a detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site contrary to National Planning Framework 4 policy 7 (Historic assets and places).
4. The proposal does not represent a high quality design that safeguards the historic environment or contributes to placemaking and is therefore contrary to Local Development Plan policies Del 2 (City Centre), Des 1 (Design Quality and Context), Des 4 (Development Design - Impact on Setting), Ret 7 (Entertainment and Leisure Developments - Preferred Locations) or National Planning Framework 4 policy 14 (Design, quality and place).

Informatives

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 22 May 2023

Drawing Numbers/Scheme

01-04

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer
E-mail:sean.fallon@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning
COMMENT: No objection.
DATE: 29 June 2023

NAME: Network Rail
COMMENT: No objection subject to recommended conditions.
DATE: 20 June 2023

NAME: Edinburgh World Heritage
COMMENT: No comments received.
DATE:

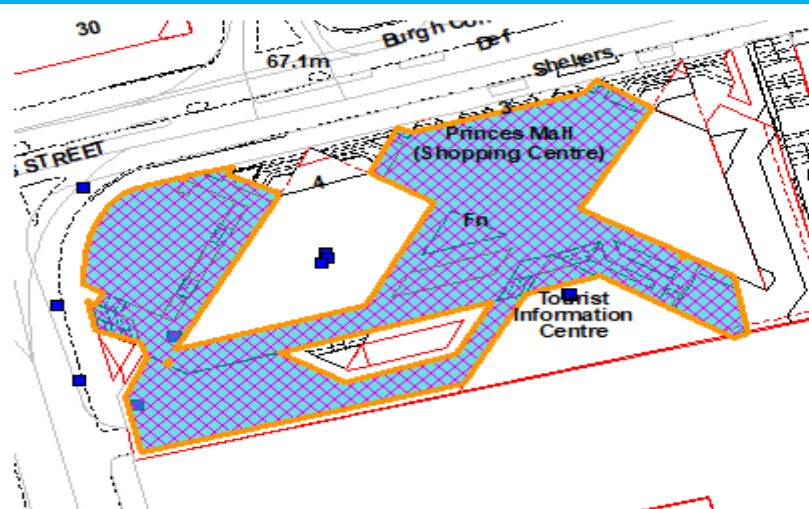
NAME: Police Scotland
COMMENT: No objection with benefits of development at this location highlighted.
DATE: 27 June 2023

NAME: Historic Environment Scotland
COMMENT: No comment.
DATE: 12 June 2023

NAME: Environmental Protection
COMMENT: Concern raised with regard to noise and recommend a condition should committee resolve to grant planning permission.
DATE: 20 July 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

Report returning to Committee - Wednesday 9 August 2023

**Application for Planning Permission
Land At, Saughton Mains Gardens, Saughton**

Proposal: Residential and commercial development on brownfield site including demolition of existing commercial units. Resubmission relating to 20/01318/FUL.

**Item – Committee Decision
Application Number – 21/04598/FUL
Ward – B07 - Sighthill/Gorgie**

Report Returning to Committee

On 22 June 2022 under delegated powers it was resolved to grant permission subject to the conclusion of a legal agreement for developer contributions for secondary school infrastructure contribution of £16,414 and the delivery of seven Affordable Housing units (25%) homes for social rent.

The legal agreement has yet to be concluded and further time is required to finalise the legal agreement. The Chief Planning Officer does not have delegated powers to extend the duration for conclusion of the legal agreement and, therefore, the application is referred to the Development Management Sub Committee. A further three months is sought to conclude the legal agreement.

Recommendations

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

SECTION A – Assessment

Legal Agreement

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Developer contributions for secondary school infrastructure of £16,414 and the delivery of seven Affordable Housing units (25%) homes for social rent are required. A legal agreement is necessary to secure the developer contributions. The developer is

required to pay these monies in advance of the planning permission being issued and before commencement of development.

The draft terms of the legal agreement are close to agreement and there is a remaining title matter to be resolved prior to the conclusion of the agreement. It is recommended that an extension of three months is given to conclude the legal agreement.

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

Or [Council Papers online](#)

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 9 August 2023

Application for Planning Permission

1 Linksvie House, 26 Tolbooth Wynd, Edinburgh

Proposal: Demolition of single storey and three storey blocks of flats, 25 garage lock ups and plinth area with undercroft parking. The construction of 35 new build residential units and amenity space, communal external space with associated roads, footpaths and landscaping which includes updated public space /landscaping in the surrounding area. Alterations to be made to the base of the Grade A listed Links View House (as amended).

Item – Committee Decision

Application Number – 18/08051/FUL

Ward – B13 - Leith

Report Returning to Committee

This application was approved at the Development Management Sub-Committee on 23rd of November 2022 subject to a Memorandum of Understanding (MoU) to secure affordable housing and a developer contribution towards education provision, tram and health care.

The MoU 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, 5, 6, 7 (b, c, d, e, f, g, h and o), 9, 13 (a, b and e), 14 (a, b and c), 15a, 16 (c, e, and f), 18 (a and b) and 22c. 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. Due to previous residential developments on parts of the site, the proposal is a sustainable reuse of the land for housing. This is consistent with the spatial priorities of local living, compact urban growth, 20-minutes neighbourhood and optimising brownfield land/redundant buildings.

Historic Environment

Policy 7 seeks to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Compared to the existing situation, the proposal will result in beneficial gains to the character and appearance of the conservation area.

A condition has been applied for a programme of archaeological works to be carried out.

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

Local Living, Quality Homes and Infrastructure

Policy 16 sets out the circumstances where development proposals for new homes would be accepted. The proposed development will regenerate former land used for housing within an established urban context and this is consistent with Policy 9 and Policy 15.

Cycle parking for the new build is to be located within the undercroft, and this includes a provision of 103 private cycle parking spaces. The proposal includes reconfiguration of existing car park area to achieve a more welcoming environment and includes electric charging infrastructure. This is consistent with Policy 13.

The proposal is highly accessible to public transport and within walking distance to nearby amenities and this is consistent with 20-minute neighbourhood under Policy 15.

Existing features within the site, including the plinth, key pedestrian links, open spaces and trees have been incorporated and enhanced through its design. The existing

situation, in terms of surrounding development, is fragmented with poor natural surveillance. Re-purposing the existing plinth with more housing and defined external spaces would help to achieve a more welcoming and safer built environment that would generate coherence and distinctiveness. This meets the requirements of Policy 14 in terms of improving the quality of an area.

A provision of 100% onsite affordable housing is to be provided and this meets the requirements of Policy 16e.

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 revised scheme incorporates bat and bird boxes within the new building structures. In addition, five bat and five bird boxes are to be installed on existing suitable trees.

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.

Recommendation and Reason for Decision

There are no new material considerations arising from those previously considered on 23rd of November 2022 by this Committee. It is therefore recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
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Development Management Sub-Committee

10.00am Wednesday 9 August 2023

Protocol Note for Hearing

Application under section 42 of the Planning Act to amend conditions 1a and 1b of approval PPA-230-2253 (18/01428/PPP), to extend the duration of the permission for three years to 20th June 2026 – application no. 23/00756/FUL

Report number	6.1
Ward	4 – Forth

Nick Smith

Service Director – Legal and Assurance

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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 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	15 minutes
- 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 N/A	
3	Ward Councillors N/A	
5	Applicant and Applicant's Agent John Paton	10:35 – 10:40
6	Debate and Decision on Application by Sub-Committee	10:45

Scheduled times are approximate but within this the time limits for speakers will have to 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 9 August 2023

**Application for Planning Permission
Granton Harbour, West Harbour Road, Edinburgh**

Proposal: Application under section 42 of the Planning Act to amend conditions 1a and 1b of approval PPA-230-2253 (18/01428/PPP), to extend the duration of the permission for three years to 20th June 2026.

**Item – Committee Hearing
Application Number – 23/00756/FUL
Ward – B04 - Forth**

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 and would otherwise be a major application within the 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 **Refused** subject to the details below.

Summary

The proposal will not have a detrimental impact on the character or special historic interest of the listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is recommended that the Section 42 application to amend conditions 1a and 1b of approval PPA-230-2253 is refused as it is contrary to the Development Plan. Due to the insufficient environmental information provided in support of the application, the proposal is contrary NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 4 (Natural Places), Policy 10 (Coastal Development), Policy 22 (Flood Risk and Water Management) and the development principles of EW 2(c) as set out in the City of Edinburgh Local Development Plan.

The applicant has failed to provide an appropriate Flood Risk Assessment which covers the whole application site. The potential risk posed to the site in the future from wave-overtopping and associated inundation as a result of potential climate change remains unmodelled. In the absence of any evidence considering the likely effect of sea level rise on wave patterns, it has not been demonstrated that all risks of flooding are understood and addressed, nor that the development would remain safe and operational during floods over its lifespan. Given the significance of this issue, it would not be appropriate to secure this information through use of a planning condition.

The Habitats Regulation Assessment referred to by the applicant is also insufficient as it does not cover the whole site or make reference to the recently designated Outer Firth of Forth and St Andrews Bay Complex SPA. An assessment of the potential impact of development on all designated areas is a policy and legislative requirement.

The existing planning permission in principle for the site (PPA-230-2253, 18/01428/PPP), is a significant material consideration in respect of this Section 42 application to amend its conditions. However, this does not outweigh the need to ensure sufficient environmental information is provided.

SECTION A – Application Background

Site Description

The site comprises approximately 33 hectares of land to the north of West Harbour Road, Granton Square and Lower Granton Road and is known as Granton Harbour.

There are a number of existing industrial units on the site. Part of the site is already developed with residential properties fronting Granton Square (plot 2), and within the site to the north of the existing industrial area (plots 3, 4, 27 and 28). A total of 578 residential units have been completed since 2003. Construction of a flatted blocks on plots S1 and S2 amounting to 308 residential units is currently underway and completion expected soon. The remainder of the site is largely cleared of buildings.

There is an existing canal feature to the north west of the site. The harbour has two basins: the western harbour has been partly infilled and the eastern harbour is used as yacht moorings and is protected by the Eastern Breakwater. The site wraps around the western harbour. The eastern harbour lies to the east of the application site.

The western harbour is protected from the Firth of Forth by the Western Breakwater/ Esparto Wharf. This was constructed between 1842 and 1863 and is category B listed (reference number: 30219, listed on 28 November 1989). The application site is adjacent to a Site of Special Scientific Interest (SSSI), and part of the site adjoins a Special Protection Area (SPA). A rock revetment has been partially constructed within Plot 35A and it is expected that remediation work required to this part of the site will result in further infilling of this plot.

The two harbours are separated by the Middle Pier, a category A listed structure (reference number: 30216, listed on 28 November 1989). The pier contains a stone warehouse (formerly a gunpowder store) that is listed category B (reference number: 30217 listed on 28 November 1989), and Harbour Light, also listed category B (reference number: 30218, listed on 28 November 1989).

Local yacht clubs operate from buildings and boat yards on the Middle Pier. The application site is not within or adjacent to a conservation area. The site is not a scheduled archaeological site but is of importance in industrial archaeological terms for the Middle Pier, Western Breakwater, any remnants of World War 2 naval defences, and any surviving railway lines.

In terms of the surrounding area, the Eastern Breakwater is not part of the application site. It is category B listed (reference number: 30220, listed on 28 November 1989). The sea wall and embankment to the east of mid pier are category C listed (reference number: 45651, listed on 16 September 1998).

The site fronts onto Granton Square which creates a formal space at the entrance to the harbour. West Harbour Road is located to the west of the square and contains a number of buildings, many of them listed, related to uses connected with the harbour, including the lighthouse lantern cupola at 22 West Harbour Road (listed category C(S) reference number: 29925, listed on 20 February 1985).

Description Of The Proposal

The application has been made under Section 42 of the Town and Country Planning (Scotland) Act 1997. Section 42 is for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. The effect of granting planning permission under Section 42 is that a new planning permission is created.

This application seeks to amend conditions 1a and 1b of approval PPA-230-2253, to amend the duration of the permission in principle for a further three years to 20th June 2026.

Conditions would be amended as follows:

1 (a) Application for the approval of the under-noted reserved matters being made by 20 June 2026, (except where an application for approval of any reserved matters has been refused or an appeal against such refusal has been dismissed, in which case one further such application may be made within six months of the date of such refusal or dismissal, even though the 20 June 2026 date may have expired).

1 (b) The approved development being commenced no later than 20 June 2026 or two years from the date of the final approval of any reserved matters, whichever is the greater.

The previous application made in 2018 (18/01428/PPP, PPA-230-2253) under Section 42 effectively sought an additional time period to allow further Applications for Matters Specified in Conditions (AMC) to be submitted, as the time period for allowing reserved matters (laterally AMC) under the original outline planning permission (01/00802/OUT) was due to expire.

The effect of granting this current planning application would be to grant a new standalone planning permission in principle for the development that was granted planning permission under the previous applications 01/00802/OUT and 18/01428/PPP (PPA-230-2253).

The original outline planning permission (and the subsequent planning permission in principle, PPA-230-2253) established:

- RESIDENTIAL - up to 3,396 units (including those already constructed);
- BUSINESS/COMMERCIAL uses of up to 23,190 sqm;
- PUBLIC AMENITY/LEISURE uses of up to 7,650 sqm;
- RETAIL units, limited in size to 250sqm, with the exception of one retail unit with a maximum gross floorspace of 1,500 sqm;
- MARINA with 630 berths.

Supporting Information

The following information was submitted in support of the application.:

- Covering Letter

Other Supporting Information

- Flood Risk Assessment (dated February 2022, provided in relation to application 21/06413/FUL)
- Habitat Regulations Assessment (dated 15 November 2021, provided in relation to application 21/06413/FUL)

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

Relevant Site History

01/00802/OUT
Granton Harbour
Edinburgh

Granton Harbour Village, mixed use dev. comprising residential units, hotel + serviced apartments , shops + retail/services, restaurants/cafes , public houses, general business, leisure facilities + marina (revised urban design guidance)
Granted
23 June 2003

18/01428/PPP
Granton Harbour
West Harbour Road
Edinburgh

Extension of time limit of the existing outline planning approval to extend the duration of the permission for five years to 20th June 2023
Deemed Refusal
10 August 2018

Other Relevant Site History

14 March 2009 - Approval of reserved matters to discharge the following reserved matters as attached to outline permission 01/00802/OUT (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; existing and finished ground levels in relation to ordnance datum. This took the form of a masterplan (application number 06/03636/REM).

30 August 2013 - Application to discharge matters specified in conditions as attached to outline permission 01/00802/OUT (under condition 2): siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes; existing and finished ground levels in relation to ordnance datum. This application sought to vary the existing masterplan as approved through application 06/03636/REM. The applicant requested that this application be withdrawn on 23rd August 2013 before a decision was taken by the Committee (application number 13/01013/AMC).

31 January 2014 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. The application was in the form of a masterplan. It was subject to a number of conditions including the requirement for a revised flood risk assessment and surface water management plan, no construction of new berths within the marina until the implementation of the Western Breakwater, landscape detailed design to be submitted for plot 12, detailed design of the proposed 4 metre wide cycle track on West Harbour Road/Lower Granton Road, restriction on the height of plot 35, and submission of detailed design of plot 12, reserved matters not including matters in connection with Middle Pier, storey heights being maximum heights, consent being for a maximum number of residential units with each plot having housing number and height being determined at detailed design individually, and residential amenity space not being included.

An informative was also added which stated that the new breakwater section to protect the marina would require separate consent from the Council under the Coast Protection Act 1949 (application number 13/04320/AMC).

17 August 2016 - Application approved for matters specified in condition 2 as attached to outline permission 01/00802/OUT: covering siting and height of development; design and configuration of public and open spaces; access, road layouts; footpaths and cycle routes. This was in the form of a masterplan and approved subject to a number of conditions and informatives. These included conditions 1 and 2 which indicated that the reserved matters applied for are not approved in respect of plots 12, 14, 15, 15A, 16 and 17 and S1 and S2. An informative sets out the Council's expectations in relation to the provision of affordable housing as detailed applications come forward on a plot by plot basis (application number 14/05305/AMC).

10 November 2016 - Application for approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes. The application sought a number of revisions to the masterplan in relation to a reduction in residential units and location of affordable housing. The committee report

noted that the detailed proposals for plots 12, 14, 15, 15A, 16 and 17 (the local centre), plots S1 and S2 and plots 7B, 8B, 8C, 9A, 9B and 35 were not acceptable. The application was recommended for refusal. The applicant requested that this application be withdrawn before a decision was taken by the Committee (application number 16/02621/AMC).

2 February 2017 - Approval of matters specified in condition 2 of outline application 01/00802/OUT was approved covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes (Scheme 2) approved. However, the matters applied for in relation to plots 8C, 12,14, 15, 15A, 16, 17, S1, S2 and 35 are not approved (application number: 16/05618/AMC).

26 April 2021 - Application approved for approval of matters specified in condition 2, covering siting and height of development, design, and configuration of public and open spaces, access, road layouts, footpaths and cycle routes at Granton Harbour, West Harbour Road. . However, reserved matters relating to plots 12, 14, 15, 15A, 16, 17, 19A and 35A were not approved. The reserved matters covering footpaths and cycle routes in respect of the waterfront cycle/pedestrian route were not approved. The reserved matter covering footpaths and cycle routes in respect of the cycle/pedestrian use on West Harbour Road/Lower Granton Road were not approved. The application did not discharge reserved matters relating to private amenity space or car parking areas for individual plots or any development or works relating to the Middle Pier. (Application reference 17/02484/AMC).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology

Communities and Families

Environmental Protection

Transport Planning

Nature Scotland

Scottish Water

Historic Environment Scotland

SEPA

Granton District Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 22 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 13

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?

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

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

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

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25, 37 and 59 of the Act.

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

Do the proposals comply with the development plan?

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

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

Assessment

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

a) The proposals 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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 means that there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme are sufficient to outweigh that strong presumption.

The site contains a number of listed structures, notably the A listed Middle Pier and B listed Western Breakwater. There are also the C listed structures to the south of the site along West Harbour Road.

Buildings are not proposed on Middle Pier and the Masterplan drawing states that any proposed building works are indicative only and are not part of the application. If any works affect the character of the listed structures as buildings of special architectural or historic interest, a separate application for listed building consent will be required. Development has been approved in more detail opposite the listed buildings on West Harbour Road.

The principle of mixed-use development was granted through the outline permission (application number 01/00802/OUT). The potential impact on listed structures within the site and their setting has been considered in various iterations of masterplans covering this site. HES has not objected to the current Section 42 application or the most recent masterplan covering the site, set out in the approved application for matters specified in conditions 17/02484/AMC.

The harbour's western breakwater is a category B listed building, originally constructed between 1842 and 1863. It comprises two key components, namely the breakwater itself, which is of stone construction, plus a timber 'esparto' wharf on the harbour-facing

side. A small element of the esparto wharf remains intact in the form of a row of roughly fifteen upstanding timber features remain within the harbour, running parallel to the breakwater. These timber structures are in poor condition and are submerged under certain tidal conditions.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the character or special historic interest of the listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) Compliance with the Development Plan

The proposals are assessed against the development plan policies, comprising National Planning Framework 4 (NPF4) and the Edinburgh Local Development Plan 2016.

NPF4 policies support the planning and delivery of Sustainable Places, Liveable Places and Productive Places. NPF4 came into force on 13 February 2023. It is significant change to the development plan as it contains new policies which are key considerations. It replaces Scottish Planning Policy and the strategic development plan for South East Scotland. A result of NPF4 is that this development is national development. Several policies in the Edinburgh Local Development Plan (LDP) are now unlikely to be relevant due to being overtaken by equivalent and alternative policies within NPF4. This represents a significant change in policy context since the previous Section 42 application to extend the time period for this outline consent was allowed on appeal in 2019 (Appeal Reference PPA-230-2253).

The relevant policies that have been considered are:

NPF4 Policies

Sustainable Places:

- NPF4 Policy 1 - Tackling the Climate and Nature Crisis
- NPF4 Policy 2 - Climate Mitigation and Adaptation
- NPF4 Policy 3 - Biodiversity
- NPF4 Policy 4 - Natural Places
- NPF4 Policy 7 c) - Historic Assets and Places
- NPF4 Statement of Need 9 - Edinburgh Waterfront
- NPF4 Policy 9 - Brownfield, Vacant and Derelict Land and Empty Buildings
- NPF4 Policy 10 - Coastal Development
- NPF4 Policy 12 - Waste

Liveable Places:

- NPF4 Policy 14 - Design, Quality and Place
- NPF4 Policy 16 - Quality Homes
- NPF4 Policy 18 - Infrastructure First
- NPF Policy 22 - Flood Risk and Water Management

Productive Places:

NPF4 Policy 28 - Retail

LDP Policies

Waterfront Policies:

- Proposal EW 2c
- LDP Policy Del 3 Edinburgh Waterfront

Delivery Policies

- Del 1 - Developer Contributions and Infrastructure Delivery

Design Policies

- Des 1 - Design Quality and Context
- Des 2 - Co-ordinated Development
- Des 3 - Development Design - Incorporating and Enhancing Existing and

Potential Features

- Des 4 - Development Design - Impact on Setting
- Des 5 - Development Design - Amenity
- Des 7- Layout Design
- Des 8- Public Realm and Landscape Design
- Des 10 - Waterside Development

Environment Policies

- Env 15 - Sites of Local Importance
- Env 20 - Open Space in New Development
- Env 21 - Flood Protection
- Env 22 - Pollution and Air, Water and Soil Quality

Housing Policies

- Hou 1 - Housing Development
- Hou 2 - Housing Mix
- Hou 3 - Private Green Space in Housing Development
- Hou 4 - Housing Density
- Hou 6 - Affordable Housing
- Hou 10 Community Facilities

Retail Policies

- Ret 1 - Town Centres First Policy
- Ret 6 - Out-of-Centre Development
- Ret 7 - Entertainment and Leisure Developments - Preferred Locations
- Ret 11 Food and Drink Establishments

Transport Policies

- Tra 1 Location of Major Travel Generating Development
- Tra 2 - Private Car Parking LDP Policy
- Tra 3 - Private Cycle Parking
- Tra 4 - Design of Off-Street Car and Cycle Parking
- Tra 8 - Provision of Transport Infrastructure
- Tra 9 - Cycle and Footpath Network

Impact on Listed Buildings

This has been assessed in Section a) above. The proposal will not have a detrimental impact on the character or special historic interest of the listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

Subject to appropriate conditions, the proposal complies with policy 7 c) of NPF4.

Principle

Some development has occurred across the site, though despite a number of plots having extant planning permissions large parts of the site remain largely undeveloped. If the site is developed out in line with the masterplan shown in 17/02484/AMC, a total of 2,457 residential units would be developed across the site with a mix of other uses. However, this remains significantly below the 3,396 units set out in the original outline consent. If Conditions 1a and 1b are amended as proposed, there remains significant scope for intensification of development across the site in the future. In assessing the application with regard to section 42 of the 1997 Act, it is necessary to have cognisance of the development plan where it is reasonable for the planning authority to consider the principle of development.

This development is a national development under the provisions of NPF4 and Section 26A of the 1997 Act as it is in the Edinburgh Waterfront area, and is a mixed use development that would otherwise be of a scale and type that is classified as major by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

NPF4 contains a specific Statement of Need in relation to the Edinburgh Waterfront. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh. The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. Development is expected to include high-quality mixed-use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes.

The delivery of a strategic housing-led mixed-use development on this application site supports this aim of NPF4.

In terms of the Edinburgh Local Development Plan, the site is located within the Granton Harbour Area at Granton Waterfront, as identified by Proposal EW 2c for housing led mixed use development across Granton Harbour.

The development principles of the LDP set out that proposals will be expected to:

- complete the approved street layout and perimeter block urban form
- provide a housing mix that is appropriate to the site in terms of place-making and would maximise completions within this urban regeneration proposal within the plan period.
- meet the convenience shopping needs of new and future residents by implementing the proposed Local Centre (Proposed S2).
- complete the relevant section of the waterside Edinburgh Promenade.
- provide for retained and improved mooring facilities and boat storage and retain Middle Pier as a 'working pier'.
- include tourism and waterfront-related leisure and entertainment uses.
- provide a strategic flood risk assessment.

LDP Policy Del 3 (Edinburgh Waterfront) supports proposals which meet a number of requirements including the provision of a series of mixed-use sustainable neighbourhoods that connect with the waterfront and proposals for a mix of house types, sizes and affordability alongside the provision of local retail facilities and leisure and tourism attractions and the provision of open space in order to meet the needs of the local community, create local identity and a sense of place.

LDP Policy Hou 1 (Housing Development) states that priority will be given to the delivery of the housing land supply and relevant infrastructure as detailed in the plan including as part of the mixed-use regeneration proposals at Edinburgh Waterfront. Residential development within the site would still be consistent with the current LDP.

The provision of a new marina will contribute to the creation of vibrant, active waterfront environment, contributing to sense of place in compliance with LDP Policy Del 3 and EW2C. The marina development will promote recreational use of the water and complies with LDP Policy Des 10 (Waterside Development). The application site is located within a wider allocation which promotes the development of sites for employment use. Therefore, the principle of developing parts of the site for business and tourism purposes remains consistent with the LDP.

NPF4 Policy 28 c) supports small scale neighbourhood retail of the scale proposed where it would contribute to local living and can be demonstrated to contribute to the health and wellbeing of the local community.

Similarly, LDP Policy Ret 6 (Out-of-Centre Development) sets out the criteria where proposals for out-of-centre retail development will be permitted. Ret 6 requires that proposals for retail in an out-of-centre location will only be permitted where it is demonstrated that: a) the proposal addresses a quantitative or qualitative deficiency; b) all potential sites have been assessed and discounted as unsuitable or unavailable; c) the proposal will not have a significant adverse effect on the vitality and viability of any existing centre; and d) the site is or can be made easily accessible by a choice of transport modes and will reduce the length and overall number of shopping trips made by car.

There has been a move away from major commercial/business development and retail development in locations outwith the city centre within the current LDP. The 23,190 sqm of commercial space in the outline permission would not generally be supported

through the current LDP at this location. Further information would be required in respect of what this commercial use would comprise, in order for it to be assessed whether this use would be in compliance with the LDP. No supporting information in relation to commercial and retail uses has been provided as part of this application.

However, in general terms, it is important to acknowledge that the principle of retail and commercial development has previously been accepted in this location and while it may not comply with the terms of the current LDP, retail and commercial development in this area could support the new communities anticipated in this area and would contribute to the creation of a sustainable 20-minute neighbourhood in line with NPF4.

Elements of the current masterplan, including part of plot 35A and part of the proposed extension of the Western Breakwater, to support the development of the marina, lie outwith the red line boundary of the outline consent. Any proposals falling outwith the red line boundary of the application site would require a separate application for full planning permission.

Subject to other considerations, it can be concluded that the principle of development on this site is established and is supported by NPF4 and LDP policies.

Flooding and water management

Policy 1 of the 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 NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations.

Similarly, LDP policy EW2C sets out the requirement for the provision of a strategic flood risk assessment.

The policy emphasis on ensuring development is sustainable, accounting for potential impacts of climate change and ensuring development is supportable in the long-term is reflected in NPF4's policy position in relation to flooding. In light of NPF4, all development must now be assessed against the 0.5% annual exceedance probability flood event (200 year), plus an allowance for climate change. This is a significant change from Scottish Planning Policy (SPP) 2014 where adding a climate change allowance was only a recommendation. NPF4 makes this a policy requirement.

NPF4 Policy 22 (Flood risk and water management) states that development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The proposed introduction of up to 630 marina berths would comply with criterion ii of Policy 22. However, the proposed mixed-use development of the wider site for residential, retail and commercial purposes would need to comply with criterion iv.

Policy 22 further sets out that for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require supporting information to demonstrate that the proposal does not create an island of development and that safe access/ egress can be achieved. The policy further requires that the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard.

In line with Regulation 25 of the Town and Country Planning (Development Management Procedure)(Scotland) Regulations 2013 the Planning Authority must consult with the Scottish Environment Protection Agency (SEPA) where a development is likely to result in a material increase in the number of buildings at risk of being damaged by flooding. The application site relates to a harbour area, with areas identified on SEPA Flood Risk Maps as having a high likelihood of present and future coastal flooding.

SEPA has been consulted on the application and has objected to the proposal on the basis of lack of information. The current planning permission in principle includes matters specified by condition relating to flooding and sustainable drainage, with specific information required in relation to floor levels (including the submission of all calculations to support the levels, and including a report on sea levels, with climate change, storm surge and wave action). However, SEPA has advised that the assessment of flood risk on a plot by plot basis is not appropriate in this case.

Given the complexities of modelling coastal flood risk, SEPA has advised that a single Flood Risk Assessment (FRA) is required for the whole area proposed for development subject to the current application. This will ensure all development is assessed under the same criteria allowing a wholistic strategic approach to be taken in relation to flood risk management and mitigation. This stance is further strengthened by NPF4 Policy 10 (Coastal development) which states that proposals will only be supported where it is demonstrated that they are supportable in the long-term taking in to account projected climate change and where they do not result in the need for further coastal protection measures taking into account future sea level change; or increase the risk to people of coastal flooding.

SEPA has advised that compliance with criteria set out in Policy 22, part iv and Policy 10 cannot be determined without a detailed FRA confirming the flood mechanisms, design flood levels and areas of inundation at the site. Until this information is provided, it is not possible to determine if the development proposal meets the requirements set out in NPF4 and it would not be possible to support an extension to the duration of the planning permission under these circumstances.

The applicant submitted no strategic Flood Risk Assessment or Surface Water Management information as part of the documents submitted with the application. The applicant has been made aware of the objection to the proposed application by SEPA, and the Council has requested that a comprehensive FRA is provided in line with requirements set out by SEPA to assess potential flood risk across the whole site. The applicant has declined to provide a FRA which assesses the whole site.

The applicant has referred the Council to a FRA which was submitted in February 2022 in support of application 21/06413/FUL which relates to Plot 35A, a single 3 hectare plot to the north of the site. The Council refused planning permission for this application on 11 January 2023 on the basis that the FRA provided by the applicant did not provide sufficient information to quantify present and future flood risk to the site, and in particular the risk posed to the site by wave-overtopping, taking into account worst-case 1 in 200 year water levels.

The applicant submitted an appeal to the Planning and Environmental Appeal Division (DPEA) in February 2023 (appeal reference: PPA-230-2407). This appeal was dismissed on 18 July 2023 on the basis that the FRA provided was insufficient to address policy requirements set out in the City of Edinburgh Local Development Plan, NPF4 and the requirements of SEPA guidance.

SEPA has provided detailed feedback on this FRA in consultation responses provided in relation to application 21/06413/FUL. In previous consultation responses relating to the FRA submitted in relation to application 21/06413/FUL, SEPA has identified that this FRA does not make a full and robust assessment of all potential flooding mechanisms, specifically in relation to the risk posed to Plot 35A by wave-overtopping, taking into account climate change. The FRA in question made an assessment of wave-overtopping based on present day water levels and not the 1 in 200 year water levels which are required by policy. SEPA further identified that by the year 2100 current modelling suggests that the Eastern Breakwater will be submerged on average once a year and will therefore provide limited protection during storm events.

In dismissing appeal PPA-230-2407 the DPEA Reporter stated that "It seems likely to me that wave transmission into the harbour would be significantly increased if extreme water levels were above the breakwater's crest due to sea level rise. The appellant's own evidence acknowledges that differences in water level are significant in the assessment of waves. Consequently, I share SEPA's concern that wave heights within the harbour could be substantially greater in future than those assumed by the appellant. In the absence of any evidence considering the likely effect of sea level rise on wave patterns, I conclude the appellant has not demonstrated that all risks of flooding are understood and addressed, nor that the development would remain safe and operational during floods over its lifespan."

Existing Eastern and Western Breakwaters offer some flood protection to the application site. However, SEPA has previously advised the Council that by the year 2100 current modelling suggests that the Eastern Breakwater may be submerged on average once a year and will therefore provide limited protection or no protection in a storm event. This is reflected in the SEPA Flood Hazard Maps. The degree of protection offered by the Eastern Breakwater will decrease as the sea level rises and the transmission waves into the harbour area will increase as a result.

The DPEA Reporter further noted in their consideration of Appeal PPA-230-2407 concluded that both the existing Western and Eastern Breakwaters were informal flood defences and that NPF4 Policy 22 was "unambiguous" that they should not be taken into account as part of any FRA relating to the site and that the applicant would be required to consider an undefended scenario, assuming no flood defence benefit from these structures.

The risk this poses to future development across the site remains unmodelled. Ensuring all areas of the application site remain free from flood risk may require work to upgrade the breakwaters. A full understanding of potential flood risk across the site is required to ensure adequate mitigation measures can be put in place. This may require new conditions or an amendment to the matters specified by condition to ensure future development is free from flood risk.

The FRA referred to by the applicant is not appropriate to support this application. The FRA has been prepared in relation to only 1 plot and not the whole application site as recommended by SEPA. This document is also out of date. Section 1.3 of this report notes that if it is submitted for regulatory approval more than 12 months following the report date, it is recommended that it is referred for review to ensure that any relevant changes in data, best practice, guidance or legislation in the intervening period are integrated into an updated version of the report. In this case the report makes no reference to NPF4 and still refers to SPP which has been superseded, it also makes no reference to SEPA guidance which was updated in April 2023, superseding previous guidance published in March 2022.

Although an Environmental Statement was provided in support of the original Outline Planning Permission, granted in 2003, this did not cover flooding. As noted above, in the 20 years since the original consent was granted and in the 4 years since appeal PPA-230-2253, planning policy has significantly changed in light of a greater understanding of the potential risks associated with climate change. Since outline planning permission was granted through 01/00802/OUT in 2003 and since appeal PPA-230-2253 there have been significant improvements to understanding of flood risk through advances in flood modelling techniques, longer coastal and hydrometric data record lengths, updated climate science and improved records of observed flooding impacts. Furthermore, SEPA has produced various updates to the Flood Hazard Maps (the latest V2 maps were published in November 2020). Planning applications are reviewed on the best available information and legislation, policy and guidance available at the time of submission. In line with current guidance and the information available, SEPA has objected to this scheme.

The Council acknowledges that some development has occurred across the site, though despite a number of plots having extant planning permissions large parts of the site remain largely undeveloped. If the site is developed out in line with the masterplan shown in 17/02484/AMC, a total of 2,457 residential units would be developed across the site with a mix of other uses. However, this remains significantly below the 3,396 units set out in the original outline consent. If Conditions 1a and 1b are amended as proposed, there remains significant scope for intensification of development across the site in the future. This strengthens the need to ensure a Flood Risk Assessment is provided which takes full account of the site.

Due to the insufficient level of information provided in relation to flood risk, the proposal is contrary to NPF4 Policies 1, 2, 10 and 22, and the development principles of EW 2(c) which requires a strategic flood risk assessment to be submitted. No FRA was submitted with the application. SEPA has objected to the application on the basis of lack of information and has clearly set out the requirement for a FRA which covers the whole application site, identifying all mechanisms of flooding and areas of inundation, taking into account climate change as required by policy. The applicant has refused to provide this information and the FRA referred to by the applicant which was submitted in support of application 21/06413/FUL is insufficient.

Biodiversity and protected designations

The application site is adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest, as well as the Firth of Forth Ramsar Site and Site of Special Scientific Interest (SSSI). The site is also adjacent to the Outer Firth of Forth and St Andrews Bay Complex SPA, designated for wintering and breeding waders, wildfowl and seabirds and in proximity to the Forth Islands SPA.

NPF4 Policy 4 (Natural Places) parts b) and c) set out specific policy requirements safeguarding the interests of international, national and locally important sites including SPAs, Ramsar and SSSI designations. These criteria include the requirement to make an appropriate assessment of the implications of proposed development for the conservation objectives of such sites.

NPF4 Policy 3 (Biodiversity) also states that development proposals for national or major development will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks. To inform this, best practice assessment methods should be used. The proposal further states that proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats.

Since outline consent was granted in 2003 through 01/00802/OUT and since approval PPA-230-2253 (18/01428/PPP) the St Andrews Bay Complex has been designated as a Special Protection Area in December 2020. The status of these sites of international importance means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations") apply. Consequently, the impact of the proposed mixed-use development on these designated areas must be considered, and in line with Annex H of Circular 3/2022, a Habitat Regulation Assessment must be provided.

NatureScot was consulted on the scheme and has advised that the applicant must submit an updated Habitat Regulations Assessment (HRA). This must include an assessment covering the changes in designations/new designations, but also other changes that have occurred in the intervening time since the original assessment, such as other development that could contribute to cumulative considerations.

The applicant was advised of the need to provide an updated HRA but has declined to do so. The applicant has referred the Council to a HRA provided in support of application 21/0614/FUL relating to Plot 35A to the north of the site. This HRA, prepared in November 2021 relates to the potential impacts associated with development of Plot 35A and does not consider the implications of development of the whole 33-hectare application site or the cumulative impact of any new development since the original consent. This HRA also makes no mention of the Outer Firth of Forth and St Andrews Bay Complex SPA which has been designated since the original consent and was not covered in previous environmental assessments.

Due to the insufficient level of information provided by the applicant in relation to the potential impact of development on sites of international and national importance and the failure to provide an updated HRA as set out in the consultation response provided by NatureScot, the proposal is contrary to NPF4 Policy 4 (Natural Places) and NPF4 Policy 3 (Biodiversity). It is not possible to determine if existing conditions remain appropriate or if further conditions are required without an updated HRA.

Infrastructure

A planning permission which is granted in respect of a section 42 application represents a new and separate planning permission from the original permission and is capable of separate implementation.

Since the original consent was granted through 01/00802/OUT there has been significant change in the Development Plan, including the 2023 adoption of NPF4. The terms of the legal agreement associated with the original consent are outdated and do not cover present infrastructure requirements associated with a development of this nature. The Council considers that applying the legal agreement associated with the original outline planning permission to a grant of planning permission of the current application would be in breach of Development Plan policies LDP DEL 1 and NPF4 Policy 18.

It is acknowledged that the Reporter in the PPA-230-2253 Section 42 decision did not opt to update the legal agreement to reflect current infrastructure requirements in 2019. Since that decision NPF4 has become part of the Development Plan and the relevant Circular has been updated.

In relation to Section 42 applications, Annex H of Circular 3/2022 states that Planning Authorities should consider the need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply.

NPF4 Policy 18 (Infrastructure First) states that the impacts of development proposals on infrastructure should be mitigated. Development proposals will only be supported where it can be demonstrated that provision is made to address the impacts on infrastructure. LDP Policy Del 1 and the Council's finalised Developer Contributions and Infrastructure Delivery guidance are also relevant.

The Council would therefore look to secure a legal agreement to reflect the requirements of the current Development Plan covering matters relating to healthcare, education, transport, affordable housing and the ongoing maintenance of sea defences.

Education

The relevant education clause in the legal agreement for the original outline permission (01/00802/OUT) required a payment of £1,366 per residential unit (index linked).

Significant plan led housing growth at Granton Waterfront will affect Forthview, Granton and Pirniehall primary schools and their feeder high schools, Broughton and Craigroyston High Schools. A site for a new primary school to serve housing growth in Granton Waterfront was identified in the 2018 Education Appraisal and the 2021 Education Appraisal. A statutory consultation is required to establish a new school, its catchment boundaries, and the high school it is aligned to.

A 21-class primary school with a 192 nursery will be required to support the latest housing output assumptions for Granton Waterfront. Additional classes at the catchment denominational primary school and additional secondary school places at the catchment denominational and non-denominational secondary schools will also be required. The secondary school the new primary school will be aligned to will be identified as part of the statutory consultation to establish a new primary school.

The education infrastructure actions identified in the 2018 Supplementary Guidance are not appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed.

In November 2022, the Finance and Resources Committee (Sustainable Capital Budget Strategy 2022-33) accepted the recommendation that the Council can no longer underwrite capital projects for education infrastructure to support LDP learning estate projects. This recommendation was also accepted by the Full Council in February 2023 (Sustainable Capital Budget Strategy 2023-2033 - referral from the Finance and Resources Committee). A fully funded business case to be approved by the Council's Finance and Resources Committee is now required to progress any new education infrastructure project. Accordingly, it is necessary the Council secures the full contributions required from housing developments to deliver new education infrastructure.

To mitigate the cumulative impact of development that would be anticipated if site EW 2a and the other Granton Waterfront housing sites are progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below.

- £12,875 per flat
- £39,109 per house

With a land cost of:

- £30 per flat
- £82 per house

All infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2022 to the date of payment. Land contributions shall not be index linked.

Healthcare

The application site is located within the Granton Waterfront Healthcare Contribution Zone, identified within the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (August 2018). Developer contributions are required to support the delivery of a new medical practice to mitigate impact of new residential development in Granton Waterfront.

Healthcare contributions were not included in the original legal agreement relating to 01/00802/OUT. Infrastructure requirements have evolved since this time. A contribution of £945 per new dwelling would be required in line with guidance.

Transport

A number transport contributions in the existing section 75 have already been paid or delivered, including:

- Eastern Corridor Transport Improvement contribution - £115,000.
- Waterfront Corridor Transport contribution - £50,000.
- Lower Granton Road realignment contribution - £1,000,000.
- Cycle route from Lower Granton Road at Granton Square to West Harbour Road.
- Improvements to Granton Square (signalisation of the existing Granton Square roundabout).

For clarification, it is important to note that the level of transport contributions set out in the legal agreement also covered development at Western Harbour.

The Council acknowledges that transport contributions required through this legal agreement were met by Forth Ports, the applicant of the original outline permission. However, the signalling improvements to Granton Square and the cycle route have not been delivered.

No transport information has been submitted in support of the section 42 application.

Affordable Housing

The original section 75 legal agreement required the developer to deliver at least a specified minimum amount of affordable housing across the site. The minimum was the lesser of 510 units or 15% of all residential units constructed on the site.

The Affordable Housing was to be provided across six areas and was based on a total number of 3,396 homes, 15% is 509 units. The wording of the original section is prescriptive in terms of timescales, phases and numbers within which the affordable homes should be delivered across these areas. These terms are now unachievable.

Local Development Plan Policy Hou 6 (Affordable Housing) now requires 25% of the total provision to be affordable housing. As this is the Council's most up to date position, this should be applied to this application. Additionally NPF4 Policy 16 e) states that development proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where: a higher contribution is justified by evidence of need, or a lower contribution is justified. To achieve this, the most appropriate approach is to apply a 25% requirement across the site, with the 546 affordable units already consented deducted from the total.

For the 3,396 units granted under the original permission, 25% would result in 849 affordable units being required. Accounting for the 546 units already completed or under construction this results in a requirement for a further 303 units to be delivered.

However, account needs to be taken of the approved development within the site and also the indicative figures within the most recent masterplan. At this point in time, and based on the approvals and figures in the most recently approved masterplan, the total amount of residential development across Granton Harbour is at 2457 units. An affordable housing requirement of 25% would result in 614 units.

Based on completed and committed development on Plots 3, 27, S1 and S2, 546 affordable units will be delivered on site. This leaves a residual requirement of 68 affordable units. If 152 units are consented and delivered on Plot 26, the total number of affordable units, based on a requirement of 25% would be met. However, there remains potential for the masterplan to be amended and for up to 3,396 units to be delivered across the site. If consent were granted in this instance, it would therefore not be unreasonable to have a new legal agreement to ensure that affordable housing at 25% up to maximum of 3,396 units is secured.

Flood Defences

Section 11 of the legal agreement relating to the original consent requires the site owner to undertake maintenance of the Western Breakwater and a Deed of Conditions from 2006 relating to the application site places a burden on owners to ensure an inspection and maintenance regime in respect of current and future sea defences on the site.

If permission is granted in this case it is recommended that matters relating to the inspection and maintenance of all structures that serve as a flood defence measure form part of a Section 75 agreement.

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, Des 8, Des 10 and Des 11 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.

A number of objections from members of the public have focused on detailed design issues such as the introduction of high-rise buildings to the area and the layout and proposed density of development across the site, as well as an overall lack of public greenspace. All matters relating to design, including siting of development, height, external finishes and the design and layout of public space and landscaping would be matters to be specified in condition. The purpose of this application is not to consider these matters in detail, but to consider whether a variation of conditions is appropriate or required. In this instance it is recommended that should planning permission be granted, all matters relating to design, landscaping and the detailed configuration of public and open spaces remain as matters specified in condition, with future applications required to demonstrate compliance with current planning policy.

As set out in the principle section above, the Council remains supportive of the mixed-use development of Granton Harbour. Continued development of the site could contribute to the creation of vibrant communities within the area, contributing to the physical and economic regeneration of the area. A number of public comments have expressed dissatisfaction with the lack of development within the application site over a 20-year period and a lack of facilities in the area. The provision of healthcare and education infrastructure has been discussed above. Although the Council is recommending refusal of this application, this is based on a failure of the applicant to provide detailed environmental information, required to comply with current planning policy. The outline consent includes allowances for the development of commercial, retail and leisure uses. Such uses would be in keeping Policy 14 of NPF4 and the 20-minute neighbourhood concept.

NPF4 Policy 16 (Quality Homes) requires development proposals that include 50 or more homes to be accompanied by a Statement of Community Benefit. This Statement must explain the contribution of the proposed development will make:

- i. i to meeting local housing requirements, including affordable homes;
- ii. ii providing or enhancing local infrastructure, facilities and services; and
- iii. iii improving the residential amenity of the surrounding area.

As the current Section 42 application, if consented, would in effect grant a new planning permission for up to 3,396 residential, the Council requested a Statement of Community Benefit from the applicant to support this application. The applicant declined to provide a specific Statement of Community Benefit but has highlighted that the Cover Letter provided with the application notes that the current masterplan for the application site includes the provision of affordable housing and the introduction of a range of uses such as an hotel, marina, health hub; neighbourhood shopping facilities and a business centre. The Cover Letter is available in full on the Planning Portal.

If planning permission is granted in this instance, it is recommended that a condition is included to require the provision of a Statement of Community Benefit, for all applications relating to residential development which involves 50 or more units.

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.

Objections from neighbours have expressed concern regarding the potential for a loss amenity due to loss of daylight, sunlight and privacy. Conditions associated with the existing outline consent include the requirement for all applications to be accompanied by a Noise Impact Assessment (NIA), condition 22 requires information relating to ventilation to be provided for all commercial uses to ensure that odour does not result in a loss of amenity for residential neighbours and condition 20 requires noise from all plant equipment to comply with the NR 25 criteria when measured from any living apartment.

However, the conditions set out no specific requirements in relation to the provision of information relating to the protection of existing and future residential amenity in terms of sunlight, daylight or privacy. In order to comply with the current Development Plan and associated guidance, the matters specified by condition set out in condition 2 would require updating to require the provision of daylight, privacy and overshadowing information to assess the amenity of future occupiers within the development and impacts on neighbouring amenity.

The Council's Environmental Protection team has raised concerns regarding noise from industrial uses within the surrounding area and the potential for this to impact on the amenity of future residential occupiers of the site. In the consultation response provided, Environmental Protection notes that the previous NIA provided 20 years ago as part of the original application, assumed the application site, including existing industrial uses, would be developed out by 2017. Environmental Protection highlight that to date industrial uses remain in operation within sections of the application site and that they would not support residential uses next to industrial units or other noise producers. Environmental Protection has also highlighted that over the years noise complaints have been received from existing residents in relation to a range of matters, including noise from ships idling and ship dismantling and recycling operations.

Section 8 of the original legal agreement placed an obligation on Forth Ports, the original owner of the site, to phase out industrial uses within Granton Industrial Estate. This did not place an obligation on Forth Ports to cancel leases and it was accepted within the legal agreement that there were some units over which Forth Ports had no control. No timescale can therefore be put on when industrial, noise generating uses will be absent from the application site.

The Council requested that the applicant provide a NIA in support of this application. The applicant declined to do so, stating in correspondence that no new noise emitting uses were in operation since the approval of the submission of the previous Section 42 application in 2018. The Council notes that Condition 3a) of consent PPA-230-2253 requires all applications within the application site to be accompanied by a NIA. In the event planning permission is granted, this condition should be maintained.

Air Quality

NPF4 Policy 23 (Health and Safety) part d) states development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality. An air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effects are likely.

Environmental Protection was consulted on the scheme and has advised that an updated Air Quality Assessment should be provided in support of this application. An Air Quality Assessment was detailed in the Environmental Report linked to 01/00802/OUT, though this is now outdated and does not take account amendments to national air quality legislation.

The applicant's old assessment used the Design Manual for Roads and Bridges (DMRB) air quality dispersion model. Environmental Protection would not support the use of this model. Environmental Protection advises that the ADMS-Roads model with the most up to date emission factors would now be the most relevant means of assessment.

The applicant will need to take into consideration the committed developments near the development site. Since the original application there has been significant changes in local air with regards the declaration of Air Quality Management Areas (AQMA) near the development site.

Many Air Quality Management Areas have been declared by the City of Edinburgh Council, all but one has been declared for nitrogen dioxide (NO₂). Those which are closest to the development site include Bernard Street, Central and Great Junction Street AQMAs all of which have been declared due to NO₂ exceedances which are principally due to road vehicle emissions. This development along with other proposed/committed development in the area will increase pressure on the local road network and may further impact on existing AQMAs or require the declaration of new ones. Salamander Street has also been declared a AQMA for Particulate Matter primarily due to the industrial operations in the area. This will need to be assessed and it would be Environmental Protection has recommended that onsite air quality monitoring is carried out over a 6-month duration.

Environmental Protection has recommended that the following air quality impacts are included in an updated assessment:

- Air quality impacts on existing local residents
- Air quality impacts on Edinburgh AQMAs
- Potential impacts on future residents of existing air quality.

A climate emergency and zero carbon targets have also evolved since the previous applications were consented, this is reflected specifically in NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation). It also underpins a range of other policies within the Development Plan.

The applicant will need to consider this and ensure the future development meets these. This will need to include the development meeting heating and energy demand through onsite renewables, ensuring that car parking numbers are kept to a minimum and ensuring that development supports active travel.

The Council requested that the applicant provide an updated Air Quality Assessment in support of this application. The applicant declined to provide an updated assessment.

If planning permission is granted in this case, it is recommended that a condition is included requiring the provision of an Air Quality Assessment.

Parking and Active Travel

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. Tra 4 Design of Off-Street Car and Cycle Parking sets out parking design considerations. NPF4 policy 13 Sustainable Transport similarly supports safe walking and cycling connections, while policy 14 Liveable Places promotes the six qualities of successful places, which includes designing for pedestrian experience to deliver 'connected' places.

All matters relating to car and cycle parking, access, road layouts and alignments, servicing areas, hours of operation and servicing, footpaths and cycle routes are reserved matters as part of consent PPA-230-2253. It is recommended that if permission is granted in this instance that these matters remain specified by condition. Condition 4 of consent PPA-230-2253 requires the building line fronting West Harbour Road to be designed to incorporate a footpath, cycle path and tram reservation. It is recommended this condition is also retained.

Reducing the need to travel unsustainably is the highest priority in the sustainable transport investment hierarchy. NPF4 Policy 13 states that development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. It is recommended that if planning permission is granted in this instance that a condition is included requiring that all future applications are supported by a Transport Statement which addresses the points set out in NPF 4 Policy 13b). This is particularly relevant given concerns raised by environmental protection regarding the potential for increased traffic generation to impact air quality.

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 reserved matters set out in Condition 2 do not include any requirement for the applicant to submit details relating to waste management associated with development across the application site. Given the significant emphasis on sustainability, supporting the circular economy and mitigating future climate change within the current Development Plan, the matters specified by condition would require updating to include matters relating to waste management.

Sustainability

A climate emergency and zero carbon targets have also evolved since the previous applications were consented, this is reflected specifically in NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 2 (Climate Mitigation and Adaptation). It also underpins a range of other policies within the Development Plan.

The applicant will need to consider this and ensure the future development meets these requirements. This will need to consider how future development can meet heating and energy demand through onsite renewables, ensuring that car parking numbers are kept to a minimum and ensuring future development supports active travel.

With this in mind, it is recommended that if planning permission is granted in this instance, that a condition is included which would require all future applications to be accompanied by a sustainability statement, outlining how proposals have considered and incorporated the principles of sustainable development within schemes.

Ground Conditions

LDP Policy 22 states development will only be supported where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability and where appropriate mitigation to minimise any adverse effects can be provided. NPF4 Policy 9 states that where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

Given existing and previous industrial uses within the application site and the substantial land reclamation which has previously occurred, consent PPA-230-253 requires all reserved matters applications are accompanied by relevant site surveys. It is recommended that if consent is granted in this instance that condition 3b is retained.

Archaeology

An archaeological mitigation strategy was agreed for the redevelopment of Granton Harbour in response to the original 2001 Outline application. Although various elements of the archaeological strategy have been undertaken in the intervening period, principally by CFA Archaeology, not all of the required mitigation has been undertaken.

Principally, in this case, mitigation is still required to be undertaken in areas that will affect/expose historic fabric relating to the listed middle pier (Masterplan plots: 14, 15, 15A & 17) which runs along the eastern part of the site and on-site interpretation and conservation of historic marine infrastructure/streetscape in these areas. In addition, archaeological excavation will be required across the site of the 19th century shipyard located in the SW corner of the application area (Masterplan plots: 22 & 23) as well as historic building recording and preservation of the listed structures on the Middle Pier. Any works that may impact the remains of the esparto wharf would also likely require a programme of archaeological works to ensure they are adequately recorded.

Accordingly, if permission is granted an updated condition is recommended to ensure the completion of this programme of archaeological works and the retention and conservation of significant maritime/ industrial historic fabric within the development.

Conclusion in relation to the Development Plan

The principle of the housing-led mixed-use development of the application site is supported in NPF4 and the City of Edinburgh Local Development Plan. However, due to the failure to provide sufficient supporting environmental information, including a strategic Flood Risk Assessment covering the whole site, taking into account sea level rise and the potential impact of climate change on potential wave-overtopping, and a Habitat Regulations Assessment, the proposal is contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 4 (Natural Places), Policy 10 (Coastal Development), Policy 22 (Flood Risk and Water Management) and the development principles of EW 2(c) as set out in the City of Edinburgh Local Development Plan.

Further conditions would also be required as a result of any amendment to Conditions 1a and 1b including an amendment to Condition 2 to require any future applications to include specific information relating to amenity issues such as impact on sunlight, daylight and privacy. The condition would also need to be amended to require the provision of waste management information.

Given the change in Development Plan policy further conditions would also be required to ensure that future applications are supported by a Transport Statement, a Sustainability Statement and where appropriate a Statement of Community Benefit. Given the designation of Air Quality Management Areas across the City and in line with recommendations from the Council's Environmental Protection Team it would also be recommended that if planning permission was granted that a condition is included requiring the provision of an updated Air Quality Assessment.

A planning permission which is granted in respect of a section 42 application represents a new and separate planning permission from the original permission and is capable of separate implementation. If permission was granted in this case, the Council would look to secure a legal agreement to reflect the requirements of the current Development Plan covering matters relating to healthcare, education, transport, affordable housing and the ongoing maintenance of sea defences.

The proposal is contrary to NPF4 and the City of Edinburgh Local Development Plan and the proposal is therefore not in accordance with the development plan.

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

The following material planning considerations have been identified:

The existing planning permission in principle for the site (PPA-230-2253, 18/01428/PPP), is a significant material consideration in respect of this Section 42 application to amend its conditions. Development across the site has happened under the previous outline planning permission (01/00802/OUT) to which the PPA-230-2253, 18/01428/PPP application relates. These permissions and the fact that development has been carried out provide a strong rationale for continuing development across the site in order that placemaking objectives and regeneration of Granton Harbour can be achieved.

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. Examination of the Proposed City Plan 2030 is ongoing. 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.

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 9 objection comments and 4 support comments. These comments are summarised below.

Material objections

- Concerns regarding layout and density of development; this is addressed in section c) above.
- Drainage issues; this is addressed in section c) above.
- Lack of greenspace and public recreation space; this is addressed in part c) above.
- Loss of privacy, daylight and sunlight; this is addressed in part c) above.
- Lack of facilities; this is addressed in part c) above.
- Parking/road safety/ traffic noise; this is addressed in part c) above.

Support

- Extension will allow further development to cater for community needs; this is addressed in section c) above.
- Work has been initiated and developer should be allowed to finish; this is addressed in section c) above.
- Extension will allow for continued investment in the area; this is addressed in section c) above.

Non-Material Comments

- Lack of development progress; this is not a planning matter.
- Inappropriate high-rise development; this is a detailed design matter that would be addressed through further detailed application determined in line with the Development Plan. It is not a matter for this application.
- Loss of landscape features; this is a detailed design matter that would be addressed through further detailed application determined in line with the Development Plan. It is not a matter for this application.
- Corruption; this is not a planning matter.
- Excessive factor and maintenance charges; this is not a planning matter.
- Others should be given the opportunity to develop the site; this is not a planning matter.
- loss of private views; this is not a planning matter.
- Loss of access to the shore; this is not a planning matter.
- Can't allow planning permission in perpetuity; the application has been assessed against relevant legislation.

Conclusion in relation to identified material considerations

The original permission (01/00802/OUT and the subsequent planning permission in principle PPA-230-2253, 18/01428/PPP and the associated development already carried out, combined with the need to deliver placemaking objectives and regeneration of Granton Harbour is a matter that supports the development of the site.

No equalities or human rights issues were identified in the assessment of the proposal. The material considerations do not raise any other matters which would result in recommending the application for approval.

Overall conclusion

The proposal will not have a detrimental impact on the character or special historic interest of the listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It is recommended that the Section 42 application to amend conditions 1a and 1b of approval PPA-230-2253 is refused as it is contrary to the Development Plan. Due to the insufficient environmental information provided in support of the application, the proposal is contrary NPF4 Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 4 (Natural Places), Policy 10 (Coastal Development), Policy 22 (Flood Risk and Water Management) and the development principles of EW 2(c) as set out in the City of Edinburgh Local Development Plan.

The applicant has failed to provide an appropriate Flood Risk Assessment which covers the whole application site. The potential risk posed to the site in the future from wave-overtopping and associated inundation as a result of potential climate change remains unmodelled. In the absence of any evidence considering the likely effect of sea level rise on wave patterns, it has not been demonstrated that all risks of flooding are understood and addressed, nor that the development would remain safe and operational during floods over its lifespan. Given the significance of this issue, it would not be appropriate to secure this information through use of a planning condition.

The Habitats Regulation Assessment referred to by the applicant is also insufficient as it does not cover the whole site or make reference to the recently designated Outer Firth of Forth and St Andrews Bay Complex SPA. An assessment of the potential impact of development on all designated areas is a policy and legislative requirement.

The existing planning permission in principle for the site (PPA-230-2253, 18/01428/PPP), is a significant material consideration in respect of this Section 42 application to amend its conditions. However, this does not outweigh the need to ensure sufficient environmental information is provided.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

Reason for Refusal:-

1. The proposal is contrary to NPF4 Policy 3 (Biodiversity). The applicant has provided no supporting information specific to this application, covering the whole application site in relation to the potential impact of development on biodiversity. Due to the lack of information provided it is not possible to conclude if there are any potential adverse impacts, including cumulative impacts, of development on biodiversity, nature networks and the natural environment or whether mitigation measures are required to ensure the natural environment is protected.
2. The proposal is contrary to NPF4 Policy 1 (Tackling the Climate and Nature Crises). Due to the insufficient environmental information provided the proposal does not give significant weight to the climate and nature crises.
3. The proposal is contrary to NPF4 Policy 2 (Climate Mitigation and Adaptation). Due to the insufficient information provided in relation to flood risk it is not possible to determine whether proposed development can be sited to adapt to current and future risks from climate change.
4. The proposal is contrary to NPF4 Policy 10 (Coastal Development). The applicant has not provided a Flood Risk Assessment which covers the whole application site. Due to insufficient evidence provided in support of the application it is not possible to conclude whether development will be supportable in the long-term taking into account future sea level rise or whether there will be an increase in people at risk of coastal flooding. It is also not possible to conclude whether further coastal protraction measures would be necessary to mitigate flood risk.
5. The proposal is contrary to NPF4 Policy 22 (Flood Risk and Water Management). The applicant has not provided a Flood Risk Assessment which covers the whole application site. There is insufficient evidence to conclude that all risks from flooding, including potential wave-overtopping, are assessed and addressed. No assessment has been undertaken with the respect to the potential impact of sea level rise on wave heights and the potential risk this poses to the application site.
6. The Proposal is contrary to Policy 4 (Natural Places). The applicant has failed to provide a Habitat Regulations Assessment which is specific to the proposed development and which covers the whole application site. Due to the insufficient level of information provided it is not possible to determine whether there would be a negative impact on designated sites of European, national and local importance including the Firth of Forth and Outer Firth of Forth and St Andrews Bay Complex Special Protection Areas, the Forth Islands Special Protection Area, the Firth of Forth Site of Special Scientific Interest and the Firth of Forth Ramsar Site.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 March 2023

Drawing Numbers/Scheme

01

Scheme 1

**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: Archaeology

COMMENT: No objection subject to a condition requiring the completion of an archaeological programme of works.

DATE: 29 March 2023

NAME: Communities and Families

COMMENT: The Education (Scotland) Act 1980 places a statutory duty on the Council, as education authority, to secure adequate and efficient provision of school education, including early learning and childcare and special educational needs.

Residential development is expected to pay for or contribute towards the costs of delivering education infrastructure required to mitigate the impacts on the learning estate from pupils that are expected to be generated from new housing developments and would not have otherwise be necessary except for the development.

To mitigate the cumulative impact of development that would be anticipated if site EW 2a and the other Granton Waterfront housing sites are progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below:

- £12,875 per flat
- £39,109 per house

With a land cost of:

- £30 per flat
- £82 per house

DATE: 26 July 2023

NAME: Environmental Protection

COMMENT: It is recommended that an Air Quality Assessment is provided which includes the following:

- Air quality impacts on existing local residents
- Air quality impacts on Edinburgh AQMAs
- Potential impacts on future residents of existing air quality

The applicant's old assessment used the Design Manual for Roads and Bridges (DMRB) air quality dispersion model. Environmental Protection would not support the use of this model.

It should also be added that over the years we have received noise complaints from residents occupying properties near to the port. According to the old noise impacts assessment the development site under the original plans would have been developed out by 2017. It is understood that a legal agreement would be required to ensure that the industrial uses would be phased out as the leases terminated. Environmental Protection will require further clarification on this as a similar case has resulted in this type of legal agreement not being enforced. Environmental Protection would therefore not be able to support residential use adjacent to Industrial or other noise producers until their operations have fully ceased including buildings being demolished.

Ground conditions relating to potential contaminants in, on or under the land with the potential to affect the proposed development will require to be assessed in line with current best practice guidance. It is the responsibility of the developer to ensure that the site is or can be made suitable for the proposed use/s. Any necessary remediation measures require to be approved by the Planning and building Standards Service.

DATE: 3 April 2023

NAME: Transport Planning

COMMENT: No comment provided.

DATE: 31 July 2023

NAME: NatureScot

COMMENT: As the application would result in a separate planning permission, Habitat Regulations and other legislation applies. The applicant needs to submit a new HRA that includes the changes in designations/new designations, but also other changes that have occurred in the intervening time since the original assessment, such as other development that would contribute to cumulative considerations.

DATE: 22 June 2023

NAME: Scottish Water

COMMENT: No comment provided.

DATE: 31 July 2023

NAME: Historic Environment Scotland

COMMENT: No objection to the proposal.

DATE: 12 April 2023

NAME: SEPA

COMMENT: The information supplied with this planning application is insufficient to allow a determination of the potential impacts of flood risk at this site. We therefore submit a holding objection and request that determination be deferred until the information outlined below has been provided for assessment. If the planning authority is not minded to request this information, or the applicant does not provide it, then this representation should be considered as an objection from SEPA.

In light of NPF4, all development must therefore now be assessed against the 0.5% annual exceedance probability flood event (200 year) including an allowance for climate change.

We consider the site to fall under Policy 22a) (iv) of NPF4 which states:

Policy 22 a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

NPF4 requires that for sites that fall under this category, 'the applicant must demonstrate that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and future adaptations can be made to accommodate the effects of climate change.'

These criteria cannot be determined without a detailed Flood Risk Assessment (FRA) confirming the flood mechanisms, design flood levels and areas of inundation at the site. Until this information is provided, it is not possible to determine if the development proposal meets the requirements set out in NPF4 and we are unfortunately unable to support an extension to the duration of the planning permission.

In this case, given the complexities of modelling coastal flood risk, a single FRA is required for the whole area proposed for development subject to the current application. This will ensure all development is assessed under the same criteria allowing a wholistic strategic approach to be taken in relation to flood risk management and mitigation.

We have previously provided detailed technical advice for a FRA submitted in support of 21/06413/FUL. Whilst the FRA still requires further revision to demonstrate that development in the area would meet the requirements of NPF4, it may be possible for the applicant and flood risk consultant to build on this work to produce a final FRA for the Granton development (as defined in the current application) as a whole.

DATE: 1 May 2023

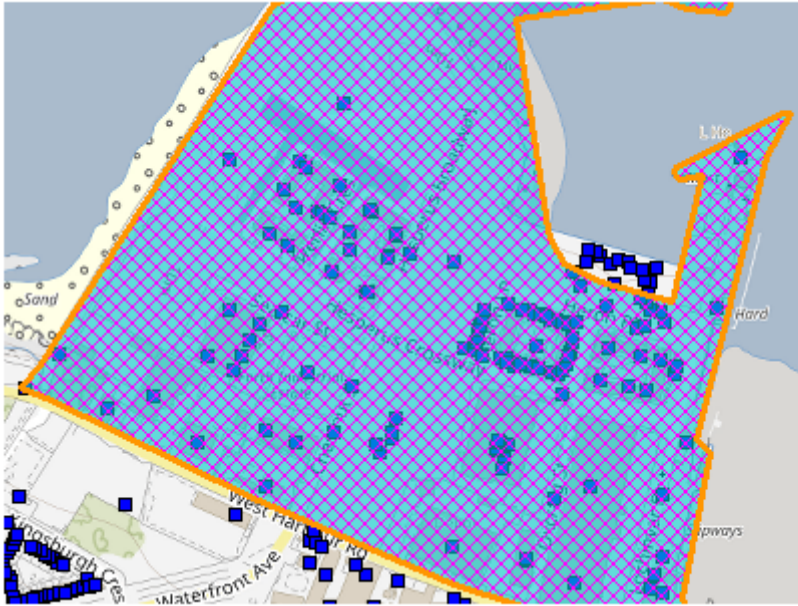
NAME: Granton District Community Council

COMMENT: No comment provided.

DATE: 31 July 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 9 August 2023

Protocol Note for Hearing

Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) – application no. 22/02233/FUL

Report number	6.3
Ward	7 – Sighthill/Gorgie

Nick Smith

Service Director – Legal and Assurance

Contacts: Taylor Ward, Committee Services

Email: Taylor.ward@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 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	15 minutes
- 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	2:10 - 2:30
2	Representors or Consultees Longstone Community Council (John Allan and Alan Gordon) Water of Leith Conservation Trust (Helen Brown)	2:35 – 2:40 2:45 – 2:50
3	Ward Councillors Councillor McKenzie Councillor Heap	2:55 – 3:00 3:05 – 3:10
4	Break	3:15 – 3:30
5	Applicant and Applicant’s Agent Jonathan Harris (Hackland and Dore Architects Ltd.)	3.35 – 3:50
6	Debate and Decision on Application by Sub-Committee	3:55

Scheduled times are approximate but within this the time limits for speakers will have to 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 9 August 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 south west 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 south western 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

Longstone Community Council

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 outwith 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 existing 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 meet the requirement of LDP policy Hou 3 and will create an attractive development with well designed and useable amenity space.

Waste/Servicing

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

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

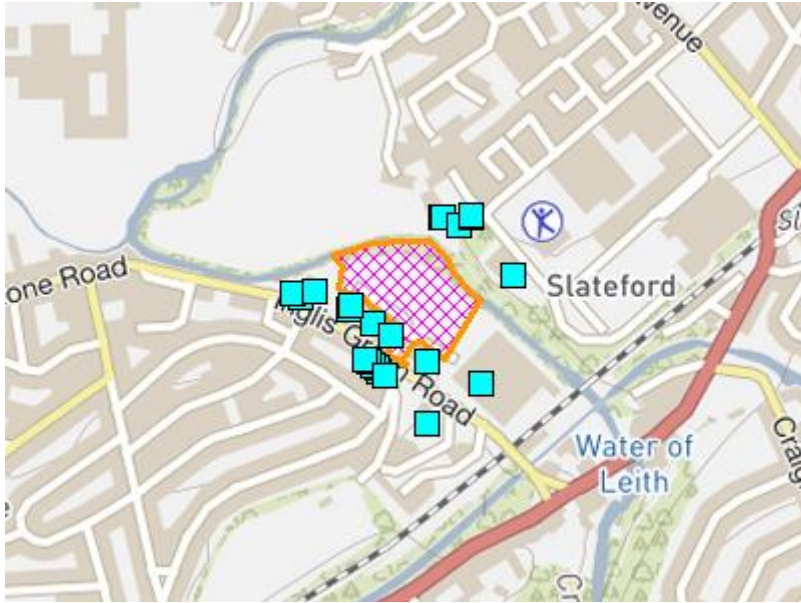
NAME: Longstone Community Council

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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