

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00am, Wednesday, 6th September, 2023**

Dean of Guild Court Room - City Chambers

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

### Contacts

Email: [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [joanna.pawlikowska@edinburgh.gov.uk](mailto:joanna.pawlikowska@edinburgh.gov.uk)

## 1. Order of business

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### 1.1 Order of Business

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

## 2. Declaration of interests

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

## 3. Minutes

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| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee of 21st June 2023 – submitted for approval as a correct record | 9 - 38  |
| 3.2 | Minutes of Previous Meeting of Development Management Sub-   | 39 - 50 |

Committee 9th August 2023 – submitted for approval as a correct record

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

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

### **Pre-Application Notices**

- 4.1** Report for forthcoming application by City Of Edinburgh Council Housing Service. for Proposal of Application Notice at Moredunvale Road Amenity Ground, Moredunvale Road, Edinburgh - New landscaping to improve the overall amenity and biodiversity of the existing open space - application no. 23/02765/PAN - Report by the Chief Planning Officer 51 - 56

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

### **Applications**

- 4.2** 24 Canning Street, Edinburgh, EH3 8EG - Proposal to convert serviced offices into serviced accommodation within an existing building. Formation of additional floor space by adding mezzanines decks which primarily hold the sleeping accommodation (as amended)- application no. 22/01764/FUL - Report by the Chief Planning Officer 57 - 74

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

- 4.3** 24 Canning Street, Edinburgh, EH3 8EG - Exterior alterations include changes to roof lights, replacing doors with windows and re-glazing existing windows with slim double glazing; internal alterations include addition of partitions to divide rooms, installation of lift and part-mezzanine floors and replacing linings and doors (as amended)- application no. 22/01763/LBC - Report by the Chief Planning Officer 75 - 88

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

- 4.4** 12 George IV Bridge (Wallace College), Edinburgh - Conversion of existing language school to 7 no. serviced apartments to be operated and managed as one business. Removal of non-load bearing internal partitions and new internal fit-out - application no. 23/01036/FULSTL - Report by the Chief Planning Officer 89 - 98

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

- 4.5** 6A (BF) Huntly Street, Edinburgh, EH3 5HB - Retrospective change of use of one bedroom basement residential apartment to short-term let apartment (Sui Generis)- application no. 23/01424/FULSTL - Report by the Chief Planning Officer 99 - 110

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

## **5. Returning Applications**

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

- 5.1** 14 - 17 Atholl Crescent Edinburgh EH3 8HA - Change of Use from office to form 34x residential units with associated works (as amended) - application no. 21/03992/FUL - Report by the Chief Planning Officer 111 - 116

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

- 5.2** 27 & 29 Beaverhall Road, Edinburgh, EH7 4JE - Demolition of existing buildings and erection of mixed-use development comprising residential and other commercial uses, with associated private amenity and open space, landscaping /public realm, car parking, access arrangements, and associated infrastructure (205 units) (as amended)- application no. 22/01654/FUL - Report by the Chief Planning Officer 117 - 118

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

## **6. Applications for Hearing**

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

6.1 None.

## **7. Applications for Detailed Presentation**

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

7.1 None.

## **8. Returning Applications Following Site Visit**

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

8.1 None.

### **Nick Smith**

Service Director – Legal and Assurance

## **Committee Members**

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Councillors Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James 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**

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The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The Development Management Sub-

Committee usually meets in the Dean of Guild Court Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

### **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [joanna.pawlikowska@edinburgh.gov.uk](mailto:joanna.pawlikowska@edinburgh.gov.uk).

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

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

# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00am, Wednesday 21 June 2023**

**Present:**

Councillors Osler (Convener), Beal, Booth, Cameron (items 4.1-4.5, 4.8-4.9, 4.13-4.17 and 4.19, 5.1 and 6.1-6.2), Gardiner, Graham (substituting for Councillor Dalgleish) (items 4.1-4.19, 6.1-6.4 and 7.1-7.2), Hyslop, Jones, McNeese-Mechan, Mowat, and O'Neill (items 4.1-4.19 and 6.1-6.2).

### 1. Minutes

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**Decision**

- 1) To approve the minute of the Development Management Sub-Committee of 1 March 2023 as a correct minute.
- 2) To approve the minute of the Development Management Sub-Committee of 26 April 2023 as a correct minute.
- 3) To approve the minute of the Development Management Sub-Committee of 10 May 2023 as a correct minute.

### 2. General Applications and Miscellaneous Business

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

**Requests for a Presentation:**

Councillors Booth, O'Neill and Osler requested a presentation in respect of Item 4.6 – Flats 1 - 9 31A Chambers Street, Edinburgh, EH1 1HU – application no. 22/05381/FULSTL

Councillors Beal and Booth requested a presentation in respect of Item 4.10 – 22 Inglis Green Road, Edinburgh – application no. 22/02233/FUL

Councillor O'Neill requested a presentation in respect of Item 4.11 - The Meadows Public Park, Melville Drive, Edinburgh – application no. 23/01344/FUL

Councillor Booth requested a presentation in respect of Item 4.12 – 103 Newcraighall Road, Edinburgh (Land 445 Metres North of – application no. 22/03946/AMC

Councillor Booth requested a presentation in respect of Item 4.18 – The Water Tower, South Queensferry – application no. 23/00581/FULSTL

Development Management Sub-Committee of the Planning Committee 21 June 2023

## **Requests for a hearing:**

Ward Councillor McKenzie requested a presentation and hearing in relation to: Item 4.7 - 111 Dalry Road, Edinburgh, EH11 2DR – application no. 23/00568/FUL

Ward Councillor McKenzie also requested a presentation and hearing in relation to: Item 4.10 – 22 Inglis Green Road, Edinburgh – application no. 22/02233/FUL

## **Declaration of Interests**

Councillor Margaret Graham declared a non-financial interest in item 5.1 - 229 Willowbrae Road, Edinburgh, as she had not taken part in the previous decision on this application and did not take part in the discussion and decision on this item.

## **Decision**

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

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

## **3. 35 Jock's Lodge, Edinburgh**

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The Chief Planning Officer had identified an application to be dealt with by means of a hearing for a student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage at 35 Jock's Lodge, Edinburgh - application no. 23/00008/FUL.

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

Planning permission was sought for the demolition of existing buildings on site and erection of student accommodation including ground floor commercial space, communal amenity space, outdoor amenity space, associated landscaping, car parking (two spaces), access to the site and ancillary facilities.

The student accommodation provided 191 rooms in total. The accommodation comprised nine cluster flats, each containing five, six or seven bedrooms with shared kitchen/ lounge facilities (providing 53 bed spaces), 129 studio rooms and nine accessible studio rooms. Cluster bedrooms were approximately 13.4 sqm, with additional communal space, studio rooms were approximately 18.4 sqm to 24 sqm and accessible studio rooms were approximately 22.7 sqm.

Internal amenity space was provided including an informal study/ lounge area, gym and laundry room at ground level, and common rooms on levels four, five and six of the building. Ancillary space was provided at ground floor level providing a reception area, office and bin storage area, and at lower ground floor level providing a plant room and cycle parking.

A commercial unit (planning permission was sought for use classes 1, 2, 3 and 4) measuring 263 sqm would be provided at ground floor level which would be positioned at the western end of the London Road elevation.

The proposed building was broadly V-shaped in form, branching out from the junction corner to form two new frontages along London Road and Smokey Brae. The London Road elevation would extend to seven storeys in height, dropping down to six storeys at the western end of the elevation to accommodate a roof terrace. The Smokey Brae



elevation stepped down immediately to six storeys at the corner, with a further step down in height to five storeys above ground at the northern gable elevation, and a lower ground level which would be accommodated via the change in site level. A second roof terrace would be incorporated at fifth floor level on the Smokey Brae elevation.

At ground floor level the building layout had been informed by the retention of the access pend into the rear of the site which would be used as an area of outdoor amenity space for use by residents. The commercial unit would be situated to the west of the pend and was accessed via a separate entrance onto London Road.

The ground floor layout included the main entrance and ancillary space, a student lounge, a gym, a laundry room and student accommodation. The building layout had been designed to allow the commercial unit, student lounge and main entrance to form an activated street frontage onto London Road.

The main entrance to the development would address the corner of London Road and Smokey Brae and would incorporate a ramped and stepped entrance. A dedicated access to the cycle parking area at lower ground level was provided onto Smokey Brae. Lifts were provided within the building providing accessibility for all.

Proposed materials included a mix of buff/ pale variegated facing brick, concrete cladding and banding, aluminium cladding and curtain walling. Windows and doors would be aluminium. Metal balustrades and fencing were also proposed. The specification of materials had not been agreed at this stage and would be approved via condition.

The proposal included a mix of blue/ green sedum roof treatments which would provide SUDS for the development. A blue roof was proposed on the commercial unit which would provide attenuation draining to permeable paving below. The main building would utilise a green roof for treatment and discharge via downpipes for treatment/ attenuation.

Usable external amenity space was provided in a rear courtyard area (161 sqm) and in the form of two roof terraces at fifth and sixth floor level (38 sqm and 36 sqm) respectively. Direct access to the external courtyard would be provided via the ground floor of the building and via the access pend onto London Road. An area of private open space (36 sqm) for use by the commercial unit operator would also be provided.

The courtyard area would have a mixture of hard and soft landscaping treatment. The courtyard would incorporate two levels, connected by seating steps and benches. It was proposed that seven trees will be planted within the courtyard area. The lower courtyard area would be accessible via a ramp access.

The roof terraces would comprise a mix of hard and soft landscaping treatment. Solid balustrading would be provided which would give a level of protection from the elements. Shrub and wildflower planting was proposed for the roof terraces which would complement species provided elsewhere on site.

A new area of public realm would be provided at the main entrance to the building. This will incorporate raised planters, integrated seating and a location for public art alongside a stepped and ramped access into the building.

The building was positioned directly onto the pavement edge along the London Road frontage and would be set in by around 0.5m from the pavement along the Smokey Brae

frontage. A strip of hard landscaping treatment would be provided along the building edge and at the entrance into the cycle storage area which would provide some additional space for pedestrian movement along Smokey Brae. An area of soft planting would also be provided around the entrance to the cycle storage area/ fire exit onto Smokey Brae.

The principal pedestrian access to the building was provided on the corner of London Road and Smokey Brae as noted above.

Pedestrian and vehicular access was provided into the site from London Road, via the existing access road which would be incorporated as a pend access, to the internal courtyard area and the separate parking area which was located outwith the site boundary to the north. A further resident's access into the building would be provided on Smokey Brae. This would provide direct access to the cycle parking area at lower ground floor level, taking account for the change in level of Smokey Brae which sloped down from south to north.

The cycle parking provision would comprise 192 spaces which would be arranged as follows;

- 29 standard Sheffield stands which provided 58 single tier spaces.
- 19 custom Sheffield stands for non-standard bikes which provided 38 single tier spaces
- 48 two-tier storage spaces which provided 96 spaces in a two-tier format.

Five Sheffield stands would also be provided in the rear courtyard area for visitor cycle parking. Electric cycle charging infrastructure would be provided inside the internal cycle storage area.

The applicant had also expressed a commitment to provide ten fold up bikes which would be available free of charge for student rental.

Two car parking spaces were provided in the rear courtyard area of the site, accessed via the pend. These parking spaces would be limited for use for staff/ delivery and loading/ unloading. One of the spaces would be fully accessible and would incorporate an EV charging point.

Sustainable energy generation was proposed at the development through the use of air source heat pumps for domestic hot water. Communal areas would have heat pumps for local heating and cooling. The building would be thermally modelled to show compliance and betterment of current Scottish Technical Building Standards section 6 in relation to achieving carbon reduction. A BREEAM pre-assessment had been undertaken for the proposed development which concluded that the proposed development should achieve an "excellent" rating once completed.

During the assessment process the applicant had amended the proposed development scheme in response to feedback from officers and comments raised during the public consultation process.

The following changes were made to the revised scheme;

External changes to the building;

- A minor amendment had been made to the red line boundary along the site's northern edge, reducing the overall site area to 1,670 sq m.
- An increase in the building footprint, extending the north wing of the building to the north by an additional distance of 4m to the north.
- A reduction in height of the building by one storey along the Smokey Brae elevation and terrace height lowered by an additional storey height to increase the step down at roof level on the north wing of the building
- introduction of feature patterned brickwork to soften the massing at the corner junction.

#### Changes to the landscape/ public realm

- Amendments to the access/ landscape arrangements to the main entrance to increase the space available for public realm and provide seating and soft landscaping in the area
  - Amendments to the configuration of the internal courtyard area Internal changes to the building
- Internal changes to the layout of all upper floors to accommodate the amendments to the floorplan.
- Increase in the size of the cycle storage area at lower ground floor level to accommodate a varied mix of cycle storage options.
- Removal of the lower ground floor games room and relocation and reduction in the size of the amenity gym area to accommodate increased cycle parking provision to meet EDG cycle parking requirements.

#### Supporting Information

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Design and Statement Addendum
- Planning Statement;
- Planning Statement Addendum (NPF4 Update)
- Daylight and Sunlight Amenity Report
- Verified Assessment Views Report
- Transport Statement
- Drainage Strategy Report
- Study of Need
- Student Management Plan
- Noise Impact Assessment
- Mechanical Services Strategy Report
- Local Business Survey
- Higher Education Economic Report

- Heritage Statement
- Geo-environmental Investigation Report
- Ecological Appraisal
- Bat Survey
- Air Quality Impact Assessment
- S1 Sustainability form
- Sunlight Assessment addendum

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Jock's Lodge Action Group**

Shane Donnellan addressed the Development Management Sub-Committee on behalf of Jock's Lodge Action Group. Mr Donnellan indicated that they set up the action group in response to the considerable public concern about the proposals. One key concern was the height of the proposed development, in relation to the surrounding area. This would be in breach of LDP Policies Des 1 and Des 4. The developer had acknowledged this and had amended the proposals accordingly, however, the recent provisions by the applicants did not much reduce the height. The proposals also reduced the light and privacy of the nearby residents. Despite the situation of the building, the proposed development was in line with the Apex building, however, this height was not a good benchmark to the height of the proposed building. The juxtaposition of the building was incompatible with existing character of the neighbouring buildings in breach of LDP Policy Des 4, and in breach of LDP Policy Hou 3 as the new building would detract from the setting of listed buildings. The existing buildings and stone built public house, which had historical significance, which would be destroyed if the proposals went ahead.

Kirsty Patterson addressed the Development Management Sub-Committee on behalf of Jock's Lodge Action Group. Ms Patterson indicated that the Council planned to build homes on the site of the new Meadowbank Centre. This proposal would see the loss of 4 currently operating businesses and two retail spaces. LDP Policy Ret 10 focused on the alternative use of shop units buildings. However, this building would see a reduction of businesses and replace them with one hospitality unit. The policy also stated that planning would be determined if there was justification to retain units in shop use. Given the number of new residents, the destruction of retail units would be detrimental to the area for future generations. As individual units, there was potential for new businesses to reinvigorate the community and the right business could inspire community identity in line with the council's own 20-minute neighborhood objectives. The recent regeneration of the Red Sandstone on Leith Walk demonstrated that an area in apparent decline could flourish.

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

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**(c) Boxroom Investments Limited**

Mr Gennaro Cortellessa addressed the Development Management Sub-Committee on behalf of Boxroom Investments Limited. Mr Cortellessa explained that he was owner of the Ball Room Sports Bar, which was in close proximity to the new development and its car park. They were a family run business, which contributed to the local economy and also sponsored local football teams. He was not against the development, had but concerns which had to be addressed, to safeguard his property, access and the daily running of the business. He had submitted two objections, however, none of his concerns had been addressed. The proposals included building over the existing access pend into the service yard. There were significant concerns that delivery vehicles would not be able to access his business, contrary to LDP Policy Env 9 and any traffic driving into his car park would have problems. The proposed entrance to the new pend did not meet minimum height requirements for vehicles. He had asked that the pend height be increased, and reducing entry in this development would cause long term damage for his business. The noise impact assessment did not sufficiently address matters and there might be complaints against his business from future residents. The design of the proposed development would make it difficult for development of the site in the future, due to its situation. The proposals would have windows overlooking site, which would limit development of his site in future, and which was contrary to LDP Policy Des 2.

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(d) Orian Pub Company Ltd.**

Andrew Currie addressed the Development Management Sub-Committee. Mr Currie explained that he was Director of Orian Pub Company Ltd, owner of Limelight Bar at 15 Jocks Lodge and indicated that he supported the application. This development would change the community for the better, provide quality homes for students, inject new life into the area and provide a new venue. For 16 years, Limelight had been at the heart of the community, providing various activities. Over the years, they had maintained a good relationship with licencing officer and provided a safe drinking environment. They had remained consistent when times were difficult, but needed to change to meet local demands. It was increasingly difficult to maintain a pub business in the current setting. Many of the current units were vacant and this development would secure their future. Some of the community had objected, but he disagreed with their objections. The architectural design was modern, of good quality and in harmony with the character of the area. This development would rejuvenate their community and the influx of students would help the local economy. By embracing this development, they could secure a sustainable business model. Post-covid the hospitality industry had faced huge challenges and it was necessary to survive and thrive in the long term. The City was changing, Universities and Colleges could help with this change and this development fitted in with this. By embracing this development, they would continue to serve as a vital venue and social hub, promote good practices and social inclusion, for the benefit of the community.

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(e) Samantha Robertson**

Samantha Robertson addressed the Development Management Sub-Committee. Ms Robertson indicated that she was the owner of a local business at Jock's Lodge. She supported the development, as the plans represented an opportunity to replace run-down buildings with good quality student accommodation, providing a food and drink facility and some commercial units. The Scheme would complement the redevelopment in Meadowbank and help increase footfall. Some of the community was sceptical, but the current building was not commercially viable. She had run her business for 15 years, businesses had come and go because of the lack of footfall and there had also been a constant battle against crime. This would change with the smart new buildings and influx of vibrant young people. The proposed building was modern, of good quality, consistent with the streetscape and did not affect the lighting on the nearby tenements. Many of the nearby buildings were vacant, or on short term basis, making the site unsuitable for businesses. The students would not conflict with the existing residents and would actually benefit the community. The City had always been a University City and considering the lack of student accommodation, this development would free up property for young professionals. The views of the wider community were mixed, but without change, local businesses could not grow. The development represented a new opportunity to breathe new life into the area and she thought that progress was always beneficial.

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

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**(f) Caledonian Heritable Ltd**

Graeme Arnott addressed the Development Management Sub-Committee on behalf of Caledonian Heritable Ltd. Mr Arnott indicated that he was a flat owner, having lived in the flat for a number of years as well as being involved with the pub. The Limelight Bar had survived because it had been converted to a bar that was more contemporary, but it had no kitchen and could not provide food. The development would allow Mr Currie's operation to bring an up to date offering. Jocks Lodge Unit had seen a mixed range of operators over the years and they all had issues to deal with. They would continue to struggle, given the age of the building and the offering they could bring. Regarding some of the comments that had been made, new developments often brought opposition. However, there had been many student developments throughout the city. With regards to the Berry Suite at the top of Abbey Hill, this was an old dance hall, but it was now a landmark as an entry into Abbey Hill. This development would give a similar situation to Jocks Lodge. From a student perspective, there were good transport links and plenty of amenities. He would commend the application to members as it was clear that the number of units on site was currently a "hot potch" of properties, they had not

had consistent tenants, partly because the units were old and dilapidated and could not be brought up to standard. He then read out a statement from Walter's Perspective which was representing Star Bars.

"So again, following a chequered and a very difficult trading history and a detailed review of the sustainability of our Jocks Lodge Pub, we identified the Valhouse Company the Willow for disposal. The site in its current condition is not being viable for us, hence we decided to actively sell. After entering into the contract to sell to Alumno, we offered the current tenant, the Willow, a temporary management agreement at a discounted rent. It was made clear that this was on a short-term basis only and it's not a viable long term option. We are very pleased to announce we have relocated the Willow to Musselburgh, which is successfully operating at this new site. We fully support Alumno's development and feel it will make a positive contribution to the area and local community."

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

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**(g) Statement from Shaukat Ali**

Andrew Currie then read statement out from Mr Shaukat Ali, who was unable to attend the meeting. Mr Ali had owned the convenience store for about 40 years and he had given him this statement to read on his behalf.

"He had proudly served the community in that time and would continue to do so in the years to come. I know that many members of the community have raised concerns about the proposals and are worried about the loss of commercial space in their local centre amongst other things. However, in my 40 years running the Shaukat Convenience Store I have seen several businesses come and go across the road, with many short-lived businesses occupying their increasingly rundown units. Consequently, it is clear to me that these are unfortunately not viable as shops or commercial premises and that positive change could help rejuvenate this stretch of the High Street. The proposal for a new food and drink venue will provide a modern facility for the whole community to enjoy and the increased footfall from students will benefit both my business and others in the area. The vital new businesses brought to the area by almost 200 students could help rejuvenate Jocks Lodge as a local centre. Furthermore, the proposed changes to Smokey Brae/Restalrig Road will help improve a stretch of road that is often dark and unsafe. I hope that other members of the community will in time, embrace these proposals and welcome the positive changes that they will bring to the area. Students are a vital part of Edinburgh's varied community and should be embraced. Thank you for your time and apologies that I cannot attend in person today."

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

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**(h) Ward Councillors Aston, Staniforth and Whyte**

Councillor Aston addressed the Sub-Committee, indicating that the proposal was to grant planning permission, but members should consider the arguments put forward

about the deficiency of the application. It was not the case that the existing units were not fit for purpose, however, the report accepted that assertion. There were 2 pubs on the site and both were doing very well, but the proposals would mean that there would only be one pub and a student common room instead of 6 commercial units. The proposals would mean a considerable reduction in square meterage to the extent of losing more than one third of the commercial floor space. It should be asked how did this not then weaken the designated local centre. This was in breach of LDP Policy Ret 5 and NPF4 Policy 15, relating to local living as well as undermining 20-minute neighbourhoods. This development scheme also undermined Jock's Lodge local centre viability. He welcomed the acknowledgment of the historic nature of the site. However, the nearby buildings were listed and the proposals would harm their setting. The proposals would be in breach of LDP Policy Env 3. The proposed structure would dominate the junction from all four approaches. The proposals would be in breach of LDP Policies Des 1 and Des 4 and would cause the canyoning of the eastern part of the development. There were three main issues of concern, which were the effect on the local centre, scale and massing and the impact on listed buildings. Additionally, there were over 1300 objections and the members should refuse this application.

Councillor Whyte addressed the Sub-Committee, explaining that he was familiar with the area and these units were retail units in a fragile area and he was less persuaded by the arguments of retention of these, in terms of economy. The local residents were concerned about the local economy and the historic nature of the site. This development had caused considerable concern in the local community. Scheme 2 has improved the scheme as there was better frontage and the new proposals dealt with some of the massing issues. A fundamental question was if this was the right site for student housing? He was concerned about the report claiming that the building was only a 30-minute walk from the nearest campus, but this was only to teach student teachers, which was only a small part of their activities. The walking and cycling routes to most university sites were much longer than specified and there was a lack of bus links. Apparently, there would not be over concentration of students, however, this was not a university area and the proposals would represent yet another type of development. This would change the nature of the community and the proposals did not comply with the 20-minute neighbourhood policy. The developers had done a good job, working through the various stages and had dealt with some of the issues around the commercial units and massing, but the local community thought that this was probably not a good site for student accommodation.

Councillor Staniforth addressed the Sub-Committee. He referred to policies, NPF4 14 and LDP Des 1 and Des 4 and indicated that this application should be refused as it was detrimental to the character of the area, to its historical character and to the modernity and future of the area. He thought that the report was flawed as it ignored the fact that the character of the area was the character of that junction. The very tall buildings opposite this site on London Road were an anomaly. Planners had previously ensured that the junction was a liminal space. In a well-designed high-density city, there was a need for certain type of spaces for citizens. This would be ruined if the authority were to create a tall, imposing building on another corner, which would detract from the openness of the junction, destroying the character of the junction at Jocks Lodge. The



report suggested that tall buildings represented the character of the area, however, the character of this junction was not for tall imposing buildings. Furthermore, the safety for pedestrians and cyclists was helped by having this existing open space. Approval of this application would mean damaging the overall character of the area, and the character of the area in which the listed building were located. However, focusing especially on the current character of the area, the character of the junction would be ruined by this development. The developers had tried to mitigate this, but the structure was excessively large and the height and massing were excessive.

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

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

Colin Lavety (Stantec), David Campbell (Alumno), Paul Stallan (Stallan Brand) and Kenny Hunter (Artist) were heard in support of the application.

Colin Lavety thanked the Sub-Committee for the opportunity to address the meeting. He indicated that he was the Planning Director at Stantec and the agent for the application. Joining him today was David Campbell, Paul Stallan and Kenny Hunter. In addition, they had other members of a project team here today who could help answer any questions from members after they made their presentation, but he would pass on to David Campbell first, to say a bit more about Alumno.

David Campbell indicated that he was the founder and Managing Director of Alumno. He wanted to give a brief overview of the company. They were established in 2006, formed part of the Places for People Group, so were one of the largest landlords in the UK. They were a property development and regeneration company with a specialist focus on place-making. They were a long-term investor in communities, and they specialised in the design and development of high quality, modern accommodation for students.

Working both independently and in partnership with universities and colleges, they had a genuine focus on the design and built quality of their developments and had won a number of significant industry awards, including Property Week Developer of the Year in 2020/21.

Projects in Scotland included a project in Aberdeen, St Andrews and Hyndland House in Glasgow, which was ranked the number one student accommodation in Glasgow in 2020/21. They had also delivered in excess of 8,000 beds nationally, with a wide range of stakeholder involvement and they had worked with a wide range of local authorities, universities and colleges. This project engaged with local renowned artist Kenny Hunter, to develop a significant bespoke artwork, which would enhance and celebrate the historic heritage of the site.

Colin Lavety indicated that they had heard earlier a comment that there has been a lack of engagement with locals and from the outset, they would stress that they would

disagree. Members should note that this proposal had been developed over the last few years. Consultation was undertaken during Covid, when obviously there were quite serious health concerns. But they had very much taken an extensive and robust process, which exceeded the minimum at the time.

People were probably aware there was a website which they held a lot longer than was required. As soon as restrictions started to be lifted, they started to do face-to-face events. They carried out a face-to-face event, purely at the request of local people. They attended one of the local fairs at a weekend, with several teams meetings and had discussions with other members. So they felt that had engaged and his own team had responded to several hundred e-mails, direct responses to locals, who asked questions that ranged from two paragraphs to five pages long. So, there had been a huge amount of information shared with local people.

Despite the high volume of objections which, they had heard about, they would emphasise, as has been heard, there was a significant body of support as shown, by the 316 material letters of support submitted. They had worked tirelessly in collaboration with officers and believed that the plans were robust, deliverable and represented a significant opportunity to reinvigorate this gateway into the city,

It had been obvious from the very start of the process, that there were three overarching areas of focus, and he thought that the planning officer had covered a lot of these in their presentation. These were the principle of development, the need and demand side and delivering an appropriate, high quality design solution. Paul Stallan would cover the third point later. He would touch on the first two points now.

In terms of principle, the Council's LDP encouraged well designed, compact urban growth that was sustainable and allowed for 20-minute neighborhood principles to be delivered. Their proposals were compatible with these principles, as well as policy priorities in terms of sustainability, transport, materials, use, climate change and the development of brownfield land.

Whilst it was acknowledged that existing buildings would be demolished, as heard earlier, these buildings were not in good physical condition, they made no contribution architecturally to the local aesthetic and were not considered to be a viable business in the long term, by the respective landowners. Accordingly, a "do nothing" approach may result in some or all of these businesses closing down, bearing in mind that half of them were not operational at the moment and the site would probably come under future pressure for redevelopment, or of being developed in a piecemeal fashion.

The proposal to redevelop the site for a single mixed-use building, which was cohesive over the long term, was therefore considered to be preferable. The proposal not only represented a chance to contribute towards unmet need for student accommodation but also to re-develop an undefined corner providing a highly sustainable and well-designed new development. On that basis, they considered the principles well established, something which had been already confirmed in the

committee report.

Turning to need, which was the leading justification, they were aware this was a huge issue in Edinburgh and a lot of other cities. The number of students continued to grow and rise year on year. Facing this issue head on, they had got to the point of doing three separate reports on needs, on the impact on higher education, the economy and a local business survey to make sure that the case also had a robust evidence base.

They were also aware that there were recent precedents across Edinburgh, in terms of what became an overconcentration of students. This had been touched on during questions earlier. Their own evidence submitted in support of the application concluded that this proposal would take the concentration up to 10.1% within the wards, but just 8.9% within a 1-mile radius of the site. This percentage fell well below the indicative threshold of 50%, which Council guidance stated would be considered excessive. When this was compared to some of the student housing proposals which had been approved across the city, some of which exceeded 40% concentration of students, it was clear that if this application was approved, there would not be an over concentration of students in this part of Edinburgh.

Added to this, they received regular reports about the shortfall UK wide. To be clear, there was a huge shortfall in rooms, but also a huge need for accommodation, which of course helped to free up mainstream housing stock for families and other groups who needed it. As shown by some of the headlines on the presentation, aside from local impacts in this part of Edinburgh, there was currently a city-wide deficit of over 27,000 beds. Even if all the schemes in the pipeline were to come forward, this would still rise up to 32,000 and beyond, within the next year and a half.

On that basis, there was clear evidence that there was a need for student accommodation in Edinburgh. To touch on the economic benefit of such development, students were forecast to spend more than £1.4 billion per year with only £650 million being off-campus expenditure. Looking more locally at Jock's Lodge, they anticipated that local businesses would benefit significantly from increased footfall and the 191 students and that would amount to spending of more than £900,000 per year in the local area on foods, personal goods and entertainment.

Paul Stallan indicated that Edinburgh's timescape was a work of art. It was open plan and a spatial masterpiece. However, as one progressed east to Jock's Lodge, the perfection of the city in terms of its urbanism, broke down. Historical study showed that the form was still in transition from 1850, to 1950, to 2050. Now, it was possible to see a location which was changed from century to century. The architecture of this location was mixed, was a layer cake of historical development, from Victorian, to interwar, to late modern.

It was possible to see from the presentation that the context continued to change with Meadowbank, the morphology of this part of the city, again changing and developing. A photo of the existing site showed the openness and the gap in terms of a plan, this

would have been an urban gateway and a more defined corner. It could be seen, and has been cited earlier, the condition of existing architecture. There was nothing from Historic Environment Scotland's perspective, anything of worth, in terms of the architecture. It was more about the meaning and the memory of the place.

Aerial photographs confirmed that in the north-east corner, that was morphology, which was foreign, there was a type of architecture which created an additional street form. What they were promoting was effectively the completion of a traditional city with an active ground floor and street - an urban block with a frontage.

It was possible to see that the ensemble of buildings was very much traditional in the sense that there was a church, the Willowbrae Church, which framed a vista as one came along London Road. So, they would complete the narrative of that historical part of the city to complete a more considered urbanism.

Through sketch design, through model-making and through detailed design and working with the planning officers and listening to the community, they had developed an architecture with character, warmth, human proportions and they had evolved the scheme and iterated the scheme through the last two years of the process. They had reduced the height, chiseled at the gables, had articulated and had created an architecture of real quirkiness at points, and also some classicism on to London Road.

The architecture again responded to the comments that the Cockburn Society made in relation to the scale of Smoky Bay. They reduced that, had modelled it and they thought that it was an appropriate sort of gateway gable that announced itself on that that elevation. It was possible to see from the diagrams that the architecture was very simple. In fact, the diagrams essentially completed themselves. It was a simple tenement construction on a corner, to define and create a more legible urban architecture in this point in the city.

The visualizations and verified views gave the impression of an architecture which was contemporary, there was an art deco element to it which picked up in St Andrews House for the "long west" on London Road. It also had a certain classicism, so it was a contemporary building which spoke to the past.

In terms of the plans, it was very simple with an active ground floor of a traditional sense, in terms of high street architecture, with rooms above. For the rooms, there was a mix of accommodation from accessible rooms, to cluster rooms, to studio rooms, to respond to different student needs. In terms of the basement, there was a significant basement which was dedicated to active travel, where 192 students, with 192 parking spaces for bikes and re-charging. Regarding the quality of the rooms that were provided, they were second to none, they were very elegant and well-fitted accommodation. In terms of the ground floor, the interiors were first-class, they had some great designers who were UK renowned, working on the interior fit out.

In terms of courtyard, there were places for contemplation and spaces for study. It was

a space that would be safe, overlooked, animated for activity and the gym and the laundry would open out on to it. The new restaurant again has a space for outdoor eating, so it would be an active and animated space.

Again, it was possible to see the scale and size of provision of the unit that was provided. They had heard from some of the people involved, in terms of local businesses. In terms of the architecture, it was unapologetically modern, contemporary, looking into an interior, which was full of life and gave something back to the street. They felt confident that this would be a stylish and popular destination, which gave something back to a part of the street, which was currently not in good shape. Again, they emphasised their commitment to active travel and the connections that they were making back to the universities, in terms of travel distance.

Kenny Hunter indicated that he was a sculptor, with over 25 years' experience on public realm projects. He taught part-time at Edinburgh College of Art and he lived four bus stops away from Jock's Lodge on Milton Road. He was here today to outline a four points arts strategy that has been developed by Stantec, Alumno, Stellan Brand and himself. This wide-ranging and site-specific strategy would, he believed, offer significant benefits to both the building and the community at large.

Points 1 and 2 were proposals for a period of related artworks. This would be a figure of sculpture that could potentially be recessed at a high level on the corner of the building for prominence and visibility, and a text work, potentially sited on a gable end wall. Both of these artworks would relate to the social history of Jock's Lodge as a site of transition, which was evident through its original use as an inn and first place to change horses on the Edinburgh to London Stagecoach. Also, the name of Smokey Brae referred to the area's former use as a railyard and station that historically occupied the site. To this day, the East Coast Mainline still ran along the back of the site, linking the capital to Scotland and England.

So, the sculpture he wanted to propose would be that of a traveller. This subject not only connected with this heritage he had outlined, but also spoke to the new use as a temporary home for young people who had relocated to Jocks Lodge from other parts of Scotland, Britain and the world. This move to a new city was for them, not only a physical change, but could also accelerate their transition into adulthood.

At the junction of London Road and Smokey Brae, above the entrance to the building, there could be a still figure cast in concrete. She would stand on the threshold with her luggage,

To conclude, he would mention two other points. The two points in the strategy, apart from two artworks, would be to commission new artworks from recent EC graduates to go inside the interior of the building. Finally, a historic police box which was on site currently, would be relocated and used as a bookable space for events exhibitions which could be run by community groups, charities and startups and artists.

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

### **Motion**

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 4, Des 5, Ret 5 and NPF4 Policies 7(c) and 14, and section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Osler, seconded by Councillor Booth.

### **Amendment**

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

- moved by Councillor Mowat, seconded by Councillor Jones.

### **Voting**

The voting was as follows:

- For the motion: - 7 votes
- For the amendment: - 4 votes

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

For the amendment: Councillors Cameron, Jones, McNeese-Mechan and Mowat.)

### **Decision**

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 4, Des 5, Ret 5 and NPF4 Policies 7(c) and 14, and section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

## **4. 124 Salamander Street, 1-3 Salamander Yards, South Leith, Edinburgh**

The Chief Planning Officer had identified an application to be dealt with by means of a hearing for a planning application for proposals which comprised a 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended) at 124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh - application no. 22/03430/FUL.

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

The application proposed the demolition of all existing buildings on the site, and the erection of a new mixed use development comprising of residential accommodation and commercial uses. A total of 99 residential units were proposed of which 64 would be open market and 35 (35%) were classed as affordable housing which would be pepper-potted throughout the development.

The breakdown in unit sizes across all tenures proposed were;

One bed units - 38 (38 %)

Two bed units - 41 (42 %) T

Three bed units - 20 (20 %)

The new building would be U-shaped with six storeys to the frontage with Salamander Street, dropping to five storeys at Leith Links. Two commercial units were proposed at ground floor level facing Salamander Street. Proposed materials included a predominantly red brick front to Salamander Street with the two five storey side blocks would be finished in buff brick. The building would have a flat roof with balconies located throughout the development.

The proposed commercial units will feature full height glazing and face onto Salamander Street. The combined area of the units is approximately 230.8 square metres.

Proposed landscaping would consist of private gardens to ground floor units, and a large communal area enclosed within the block.

The proposals included 18 car parking spaces and four motorcycle parking spaces. One of the car parking spaces would be designated as wheelchair accessible while the proposed parking arrangement would include four twin EV charging points. In addition, 220 secure external cycle parking spaces were proposed as well as 44 non-standard internal cycle stores. These would be provided at the ground floor of the accommodation or within dedicated external storage.

#### Supporting documents

The following documents had been provided to support the application:

- Planning Statement
- Design and Access Statement
- Pre-Application Consultation Report
- Daylight & Sunlight Assessment
- Noise Impact Assessment
- Transport Statement
- Sustainability Statement
- Air Quality Impact Assessment
- Odour Statement (Within Design & Access Statement)
- SUDs
- Flood Risk Assessment
- Sustainability Form
- Tree Constraints Plan
- Landscape & Visual Appraisal

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**There were no contributions received from local bodies, objectors or ward members.**

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

Craig Tait of 7N Architects was heard in support of the application.

Craig Tait explained that he represented 7N Architects and would speak on behalf of the applicant, Prudent Homes, and also for themselves as designers for the project. He wanted to speak in support of the scheme, because they believed in the quality of what was being proposed. They were excited about the opportunity that the project presented, not just as a development in its own right, but as an opportunity to re-characterise Salamander Street.

The development was located on 124 Salamander Street and 1-3 Salamander Yards and was within a mixed use residential wide regeneration area, which includes the Rope Works Master Plan, immediately to the west and the rear highlighted on the the diagram. The site was located within the Waterfront Major New Development Area. City Plan 2030 supported high quality, mixed-use development within this zone. By optimising the potential of the site, the proposals helped CEC, to deliver new homes and the project contributed to the emerging residential character of the area.

Following the principles of NPF4, the proposals re-use of brownfield land, enabled biodiversity gain and supported sustainable transport solutions. It also promoted compact urban growth and the creation of new livable places.

The site, as existed, was occupied with low rise commercial units, with surface parking and service yards and these contributed little to the surrounding streetscape. Two out of three of the current units were vacant. Their proposal sought to re-characterise the site and deliver a flagship development which improved the local environment and the quality of the area.

As the planning officer explained, the proposals were arranged in a U-shaped form which reinstated the street edges to Salamander Street and Salamander Yards, and presented an open, landscaped courtyard to the south. Apartments were quite simply arranged around four circulation cores, accessed from the east, north and west, and vehicle access was provided to the east from Salamander Street. Two commercial units were proposed at ground floor level to address Salamander Street and a landscaped courtyard and a new street-facing pocket park, provided environmental improvements and delivered net biodiversity gain. Planting species for the development were being specially selected to contribute to the absorption of pollutants from the road.

The proposals were being considered as part of a wider mixed use residential master plan, in order that the design was appropriate to the future context of the place. Highlighted in the presentation was indicative massing, suggesting how the future of the street may develop. In line with surrounding developments, it was anticipated that Salamander Street would develop as a series of five to six storey perimeter blocks and



they envisaged green links being located intermittently between buildings, to provide light and air to the street.

The proposals had additionally been designed to anticipate the Leith Connections Programme, which were indicatively shown in the presentation. Reference was made to the proposals being put forward by the applicant and the future connections programme which saw new cycle ways, new Copenhagen Crossings at road junctions and the creation of the new pocket park which was shown on the presentation. That tapped into that idea of a much wider public realm improvement within the area.

The proposals would deliver 99 apartments and accommodation as assigned in an approximate 40/40 split. Looking ahead to the implementation of City Plan 2030, their client was proposing 35% affordable housing, which went well beyond current requirements.

All apartment sizes were designed in line with Edinburgh Design Guidance and flats had been designed as modern, open-plan arrangements, which benefited from private external amenity spaces. The development prioritised sustainable transport, which reflected the site's proximity to the Restalrig Cycle Path. Cycle storage was provided in line with current policy, including provision for 20%, non-standard spaces and a mix of both low level and two-tier cycle storage. The development delivered 18 car parking spaces, one of which was accessible and that was equivalent to 18% of the overall unit numbers.

The proposed amenity areas highlighted in the presentation were fully compliant with CEC policy. This was equivalent to 11.6 square metres per flat, which was over and above policy minimum requirement of 10 square metres. In addition, they were proposing approximately 250 square metres of publicly accessible amenity within the Pocket Park.

In terms of proposals for the building elevations, they had put forward a very simple but refined pallet of robust, attractive materials. Consideration has been given to the context and character of Leith as a whole, while seeking to create a strong identity for the development which provided a sense of place to the street.

Basically, in summary, they believed that the proposals were in line with policy and offered the opportunity for a flagship development for this area, facilitating the re-use of brownfield land, enabling biodiversity, net gain from compact, urban growth and ultimately delivering a high-quality place to live.

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

[Development Management Sub-Committee - Wednesday 21 June 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

## Decision

To **GRANT** planning permission subject to:

- (1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- (2) An additional informative requiring the applicant to investigate the potential to include City Car Club spaces within the development.

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

## 5. 12-18 Lower Gilmore Place, Edinburgh

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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 (as amended) at 12 -18 Lower Gilmore Place, Edinburgh - application no. 22/06109/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application 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 the applicant examined the provision of cycle parking provision that was more in keeping with council policies and be more creative to allow greater usage of space.

- moved by Councillor Osler, seconded by Councillor Booth.

### Amendment

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 10(a) and the Non-Statutory Guidance on student housing.

- moved by Councillor Gardiner, seconded by Councillor Graham.

### Voting

The voting was as follows:

For the motion: - 4 votes

For the amendment: - 5 votes

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

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

### Decision

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 10(a) and the Non-Statutory Guidance on student housing.

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

## 6. 31A (Flats 1-9) Chambers Street, Edinburgh

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Details were provided of an application for change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street at 31A (Flats 1 – 9) Chambers Street, Edinburgh – application no. 22/05381/FULSTL.

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

### **Motion**

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policy Hou 7 and NPF4 Policy 30 (e)(ii).

- moved by Councillor O'Neill, seconded by Councillor Osler.

### **Amendment**

To **GRANT** planning permission:

- moved by Councillor Mowat, seconded by Councillor Beal.

### **Voting**

The voting was as follows:

- For the motion: - 6 votes
- For the amendment: - 3 votes

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

For the amendment: Councillors Beal, McNeese-Mechan and Mowat.)

(Abstention – Councillor Booth)

### **Decision**

To **REFUSE** planning permission as the proposals were contrary to Edinburgh Local Development Plan Policy Hou 7 and NPF4 Policy 30 (e)(ii).

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

## 7. 22 Inglis Green Road, Edinburgh

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Details were provided of an application for mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) at 22 Inglis Green Road, Edinburgh - application no. 22/02233/FUL.

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

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

### **Voting**

The voting was as follows:

For Continuation - 5 votes

Against Continuation - 5 votes

(For Continuation: Councillors Beal, Jones, McNeese-Mechan, Mowat and Osler.

(Against Continuation: Councillors Booth, Gardiner, Graham, Hyslop and O'Neill.)

### **Voting**

For continuation: - 5 votes

Against continuation: - 5 votes

### **Casting Vote**

In the division, 5 members having voted for continuation and 5 members against continuation, the Convener gave her casting vote for continuation.

### **Decision**

To **CONTINUE** consideration of the application for a hearing.

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

## **8. The Water Tower, South Queensferry**

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Details were provided of an application for change of use from residential to commercial short term let at The Water Tower, South Queensferry - application no. 23/00581/FULSTL.

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

### **Motion**

To **GRANT** planning permission.

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

### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to NPF4 Policy 30(e)(ii).

- moved by Councillor Booth seconded by Councillor Gardiner.

### **Voting**

For the motion: - 3 votes

For the amendment: - 7 votes

(For the motion: Councillors Jones, McNeese-Mechan and Osler.

(For the amendment: Councillors Beal, Booth, Gardiner, Graham, Hyslop, Mowat and O'Neill.)

### **Decision**

To **REFUSE** planning permission as the proposals were contrary to NPF4 Policy 30(e)(ii).

(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><a href="#">4.1 – Report for forthcoming application by Balfour Beatty Investments Ltd. for Proposal of Application at 140 Causewayside, Edinburgh, EH9 1PR.</a></p>	<p>Demolition of the existing buildings on site and the erection of a purpose-built student accommodation development and ancillary uses at 140 Causewayside, Edinburgh – application no. 23/02186/PAN</p>	<p>To notes the key issues at this stage.</p>
<p><a href="#">4.2 – Report for forthcoming application by Miller Homes &amp; Roseberry Estates for Proposal of Application Notice at land at Turnhouse Road, Edinburgh.</a></p>	<p>Proposed residential development with associated drainage, landscape and infrastructure works at Land to the south of Turnhouse Road (south of Turnhouse Golf Club), Edinburgh – application no. 23/01816/PAN</p>	<p>To note the key issues at this stage.</p>
<p><a href="#">4.3 – Report for forthcoming application by Cruden Homes Ltd. for Proposal of Application Notice at Site 250 Metres East Of 11 West Shore Road, Edinburgh.</a></p>	<p>Residential led development of mixed tenure (social rent, mid-market rent and private sale), associated landscape and infrastructure; including commercial space and mobility hub facilities, site enabling works for proposed primary school and energy centre – application no. 23/02215/PAN.</p>	<p>To notes the key issues at this stage.</p>
<p><a href="#">4.4 – 25 Argyle Crescent, Edinburgh (At Land 16 Metres Southeast of)</a></p>	<p>Erection of 2x new build, 3 storey, semi-detached townhouses on gap site (as amended) - application no. 23/00897/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - <a href="#">Bonnington House, Bonnington, Wilkieston</a></p>	<p>Proposed development of a gallery and micro distillery (including integrated dunnage) formed around a new orientation building providing staff and visitor facilities, cafe, and ancillary gift shop, landscaping, parking and ancillary works (as amended) - application no. 23/00509/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - <a href="#">Flats 1 - 9 31A Chambers Street, Edinburgh, EH1 1HU</a></p>	<p>Change of use of the entire property at 31A Chambers Street for use a short term let accommodation including 9 apartments operated and managed as one unit with independent / main door access from the street – application no. 22/05381/FULSTL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to Edinburgh Local Development Plan Policy Hou 7 and NPF4 Policy 30 (e)(ii) (On a division.)</p>
<p>4.7 – <a href="#">111 Dalry Road, Edinburgh, EH11 2DR</a></p>	<p>Change of use to from Class 1 to Class 3 after amalgamation of No. 109 and No. 111 (as amended) - application no. 23/00568/FUL</p>	<p>1) To <b>REFUSE</b> the request for a hearing. 2) To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 – <a href="#">George Square Gardens, 62 George Square, Edinburgh</a></p>	<p>Edinburgh Festival Fringe 2023 venue site comprising two performance venues, box offices, bars, food traders and ancillary offices and storage - application no. 23/01353/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>4.9 – <a href="#">10 - 14 Haymarket Terrace, Edinburgh, EH12 5JZ</a></b></p>	<p>Sub-divide the property and change use of No. 14 from Class 1 (retail) to (Sui Generis) to open an immersive magic experience for a small number of guests at a time, with refreshments and participation in a live entertainment experience - application no. 23/00808/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.10 – <a href="#">22 Inglis Green Road, Edinburgh, EH14 2HZ</a></b></p>	<p>Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) - application no. 22/02233/FUL</p>	<p>To <b>CONTINUE</b> consideration of the application for a hearing. (On a division.)</p>
<p><b>4.11 – <a href="#">The Meadows Public Park, Melville Drive, Edinburgh</a></b></p>	<p>Edinburgh Festival Fringe venues site comprising two performance venues, a box office, bars, food traders and ancillary offices and storage - application no. 23/01344/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.12 – <a href="#">103 Newcraighall Road, Edinburgh (Land 445 Metres North of)</a></p>	<p>Approval of matters specified in conditions 1 in part, 2, 5, 6, 7, 8 and 9 in part, 10, 11, 13, 14 and 15 of planning permission 16/04122/PPP for the erection of 676 dwellings including affordable housing, local centre comprising class 1, 2, 3, 4, 10 and 11 and associated access, landscaping, open space, and infrastructure - application no. 22/03946/AMC</p>	<p>To <b>APPROVE</b> matters specified in conditions, subject to:</p> <ol style="list-style-type: none"> <li>1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</li> <li>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.</li> </ol>
<p>4.13 – <a href="#">Elizabeth House, 31 Royal Elizabeth Yard, Kirkliston</a></p>	<p>Application for hazardous substance consent for a new whisky maturation warehousing site - application no. 22/05925/HSC</p>	<p>To <b>GRANT</b> hazardous substance consent subject to the conditions and reasons, as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.14 – <a href="#">1 Scotstoun House, South Queensferry, EH30 9SE</a></p>	<p>Redevelopment of Scotstoun House including conversion and extension of existing buildings to residential use, part-demolition of office extension, and erection of new build residential development with associated infrastructure, landscaping, access and parking. (as amended) – application no. 21/04755/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>



Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#">4.15 – 22-23 Teviot Place, Edinburgh (Proposed Temporary Festival Venue 40 Metres North of)</a></p>	<p>Edinburgh Festival Fringe venue site comprising one performance venue, bar, toilets and ancillary offices and storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site - application no. 23/01346/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><a href="#">4.16 – Teviot Place, Bristo Square, Edinburgh (Proposed Fringe Festival Venue Site)</a></p>	<p>Edinburgh Festival Fringe venue site comprising a bar and ancillary storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site - application no. 23/01350/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><a href="#">4.17 – Teviot Place, Bristo Square, Edinburgh (Proposed Fringe Festival Venue Site)</a></p>	<p>Edinburgh Festival Fringe venue site comprising a box office, bars, food trader's toilets and ancillary offices and storage. The site also functions as a queuing area for venues in University of Edinburgh buildings surrounding the site. The area will also be used for University of Edinburgh graduations - application no. 23/01354/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><a href="#">4.18 – The Water Tower, South Queensferry, EH30 9TS</a></p>	<p>Change of use from residential to commercial short term let - application no. 23/00581/FULSTL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to NPF4 Policy 30(e)(ii).  (On a division)</p>
<p><a href="#">4.19 – 22 Young Street North Lane, Edinburgh</a></p>	<p>Change of use with alterations from office to form 3x short term let visitor accommodation - application no. 22/04402/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions and reasons, as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>5.1</b> – <a href="#">229 Willowbrae Road, Edinburgh, EH8 7ND</a></p>	<p>A residential development consisting of 48 apartments with a commercial unit at ground level - application no. 22/02740/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>6.1</b> - <a href="#">Jock's Lodge, Edinburgh, EH8 7AA - application no. 23/00008/FUL</a></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p><b>6.2</b> - <a href="#">35 Jock's Lodge, Edinburgh, EH8 7AA</a></p>	<p>Student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage - application no. 23/00008/FUL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 4, Des 5, Ret 5 and NPF4 Policies 7(c) and 14, and section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.  (On a division)</p>
<p><b>6.3</b> - <a href="#">124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh – application no. 22/03430FUL</a></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#">6.4 - 124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh</a></p>	<p>The proposals comprise a 5 - 6 storey building providing 99 residential apartments with associated access, parking &amp; landscape (as amended) - application no. 22/03430/FUL</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <p>(1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p> <p>(2) An additional informative requiring the applicant to investigate the potential to include City Car Club spaces within the development.</p>
<p><a href="#">7.1 – 6 Bankhead Broadway, Edinburgh, EH11 4DB</a></p>	<p>Change of use from use as a warehouse to form a swimming pool to teach babies and tots - application no. 23/02062/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><a href="#">7.2 – 12 -18 Lower Gilmore Place, Edinburgh, EH3 9NY</a></p>	<p>Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking (as amended) - application no. 22/06109/FUL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to Local Development Plan Policies Des 1, Des 10(a) and the Non-Statutory Guidance on student housing.</p> <p>(On a division.)</p>

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# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00am, Wednesday 9 August 2023**

### Present:

Councillors Osler (Convener) (Items 1.1 – 4.4, 4.6 – 6.4), Booth, Beal, Cameron (Items 1.1 – 6.2), Dalgleish, Gardiner (Items 4.4 – 6.4), Jones, Mattos-Coelho, McNeese-Mechan, Mowat, Pogson (substituting for Councillor Cameron for Items 6.3 and 6.4), and Staniforth.

### 1. Minutes

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#### Decision

- 1) To approve the minute of the Development Management Sub-Committee of the 24 May 2023 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of the 7 June 2023 as a correct record.

### 2. General Applications and Miscellaneous Business

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

#### Requests for a Presentation

Councillors Beal, Booth and Staniforth requested a presentation in respect of Item 4.5 – 74 Eyre Place & 49 - 51 Eyre Place (Land 20 Meters North-east Of), Edinburgh EH3 5EY- application no. 23/01201/FUL

#### Declaration of interests

Councillor Mattos-Coelho made a transparency statement in relation to Item 6.4 – 22 Inglis Green Road, Edinburgh - as she was a member of Spokes.

Councillor Osler made a non-financial declaration of interest in relation to Item 4.5 – Land 20 Meters North-east of 74 Eyre Place & 49-51 Eyre Place, Edinburgh – as she had had conversations with individuals involved with the development.

#### Decision

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

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

### 3. Granton Harbour, West Harbour Road, Edinburgh

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The Chief Planning Officer had identified the application at Granton Harbour, West Harbour Road, Edinburgh to be dealt with by means of a hearing. The application requested an amendment of conditions 1a and 1b of approval of PPA-230-2253 (18/01428/PPP) under section 42 of the Planning Act to extend the duration of the permission for three years to 20th June 2026 – application no. 23/00756/FUL.

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

The application sought 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.

The proposal would not have a detrimental impact on the character or special historic interest of the listed buildings, and was acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The application was however contrary to the Development Plan due to the insufficient environmental information provided in support of the application. The proposal was 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.

The applicant also failed to provide an appropriate Flood Risk Assessment which covered the whole application site. The Habitats Regulation Assessment referred to by the applicant was also insufficient as it did not cover the whole site or make reference to the recently designated Outer Firth of Forth and St Andrews Bay Complex SPA.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

#### (b) Applicants and Applicant's Agent

Charles Price, John Paton and Maurice O'Carroll were in attendance in support of the application.

Marice O'Carroll, the Advocate for the application, spoke on behalf of the applicant. Mr O'Carroll argued that the application was required due to external factors which were out with the applicants control, and that the expiry of the permission could jeopardise future progression with the development of the approved masterplan. He argued that a significant amount of the development had been completed or was underway. Mr O'Carroll stated that the New Masterplan application had caused a significant delay of 46 months, and argued that under NPF4 the Edinburgh Waterfront was allocated as a National Development which the Committee should consider when determining the application. He argued it was not a new application and it would be incorrect to treat it as

such, there was not a risk of flooding, and NatureScot did not object to the application initially. In conclusion, he argued that approval of the application would ensure the successful delivery of the masterplan as part of the Edinburgh Waterfront and the regeneration of Granton Harbour.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

## **Decision**

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

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

## **4. 22 Inglis Green Road, Edinburgh**

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The Chief Planning Officer had identified the application at 22 Inglis Green Road, Edinburgh to be dealt with by means of a hearing. The application was for planning permission for a mixed-use residential and commercial development with associated landscape, parking and infrastructure (as amended) – application no. 22/02233/FUL.

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

The application proposed 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 was the development of 211 sqm of commercial property made up of class 1 (shops), 2 (Financial, Professional and other services) and 1A and 4 (Business).

The development was in accordance with the development plan, and delivered a sustainable and well-designed urban residential scheme that responded harmoniously with the surrounding mixed-use area of the site, to create a strong sense of place. The proposal was also consistent with the six qualities of successful places as set out in NPF4. The design and layout drew upon the distinctive nature of the site. The development encouraged well-designed, compact urban growth that was sustainable and allowed for 20-minute neighborhood principles to be delivered. The proposal was acceptable and complied with NPF4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Edinburgh Design Guidance.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

### **(b) Spokes – David French**

David French from Spokes circulated a statement as he could not attend the meeting. Mr French explained that without a bridge, the site could not access the Water of Leith. It could access the Union Canal, but only by taking an extensive alternative route. Mr French argued that the connections were not helpful for cyclists, and the Canal path towards the city immediately encountered the Water of Leith Aqueduct, which was heavily cobbled, and therefore was a significant barrier to cyclists. He argued that

cyclists accessing the site had no other options other than to take Inglis Green Road or Longstone Road which were very busy main roads.

Mr French argued that the application failed to deal with a number of important issues, and had made false claims about the suitability of the proposals mainly regarding Active Travel Routes. He also argued that the applicant had failed to show how a bridge was to be achieved, and that the proposed cycle parking appeared to fall short of the required 20% provision for non-standard cyclists.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

**(c) Longstone Community Council – Alan Gordon and John Allan**

Alan Gordon and John Allan addressed the Development Management Sub-Committee on behalf of Longstone Community Council.

Mr Allan stated that the development would be beneficial to the local community, but there was no real network from the town to the site as there was no bridge in place. He argued that the community relied on good connectivity and permeability to access Local Centres, schools and GP's and due to Longstone not being identified as a candidate for being a 20 minute neighbourhood, it was vital to look to connect areas so the communities needs could be met.

Mr Gordon stated that the parking strategy indicated the development would provide 32 parking spaces for residents, but wanted to highlight a deficiency in the design that would permit drivers to park along the northern edge of the road in the development. This would in turn create a 'service strip' bringing over 50 cars to the development which would be detrimental to the community.

Mr Allan and Mr Gordon both agreed that if a bridge could be implemented into the application, then they were both in agreement of the proposal being granted.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

**(d) Water of Leith Conservation Trust – Helen Brown**

Helen Brown addressed the Development Management Sub-Committee on behalf of the Water of Leith Conservation Trust.

Ms Brown advised that a bridge would provide an accessible route for wheelchair and disabled users. She also wanted to highlight the West Island Avenue development which she explained was a good example of a development where a bridge was included in the proposals. Ms Brown highlighted it would cost £40,000 for a wooden bridge to be built, and had no other objections to the application other than the lack of bridge in the proposals.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

**(e) Ward Councillors McKenzie and Heap**

Councillor McKenzie addressed the Committee on issues he had with the development.



He explained that the closest café to meet residents in the area was a twenty minute walk away beside a busy road, which is dangerous for those walking, wheeling or cycling. Councillor McKenzie did not feel the application complied with local development policies and NPF4 policies, and felt that the application should be rejected unless an active travel link could be implemented before occupation of the site.

Councillor Heap addressed the Committee on issues he had with the development. He supported the view of local community groups, that a bridge should be conditioned in order for better connectivity of the site. He felt the area was very car dependent and felt a bridge would allow the development to comply with planning frameworks.

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

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/798839](https://edinburgh.public-i.tv/core/portal/webcast_interactive/798839)

#### **(f) Applicants and Applicant's Agent**

Duncan Tait, Jonathan Harris, Callum Fraser and David Smart attended Committee in support of their application.

Duncan Tait, the contractor for the development, addressed the Committee. He stated that the proposed site would be a sustainable place to live and would benefit residents by providing affordable housing. He addressed concerns that the application complied with the relevant planning policies.

Jonathan Harris, the architect for the development, discussed how the development was a part of an active travel route, and stated that the design had been checked by Officers in Transport. He advised that integrated parking would be available on site.

Callum Fraser, Planning Consultant, addressed the Committee and stated that the development proposals addressed concerns around climate change and flood risk, and the development was compliant with NPF4 and 20 minute neighbourhoods.

David Smart, a contractor for the development, addressed the Committee. He stated that they were not asked for a bridge to be added, and requested a discussion with Officers prior to Committees decision so that they could agree on how best to move forward with building a bridge.

#### **Motion for Adjournment**

Councillor Booth moved in terms of Standing Order 21.1 that the meeting be adjourned to allow further discussions to take place.

- moved by Councillor Booth, seconded by Councillor Osler

#### **Amendment**

To not adjourn the meeting.

- moved by Councillor Mowat, seconded by Councillor Jones

#### **Vote**

For an adjournment:	- 7 votes
Against an adjournment:	- 3 votes
Abstentions:	- 1 vote

(For the adjournment: Councillors Booth, Dalgleish, Gardiner, Mattos-Coelho, McNeese-Mechan, Pogson and Osler.

For the amendment: Councillors Beal, Jones and Mowat.

Abstention: Staniforth.)

### **Adjournment**

At this point in proceedings the Development Management Sub-Committee agreed to adjourn the meeting to allow further discussions on the proposals to take place.

### **Resumption**

At this point in proceedings the meeting resumed.

### **Decision**

To **CONTINUE** consideration of the application to enable further discussions between the applicant and planning Officers on the construction of a bridge and active travel routes.

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

## **5. Appointment of a Chair**

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The Convener had declared an interest in the following item, left the room and took no part in the consideration of the item.

### **Motion**

To appoint Councillor Dalgleish as Chair

- moved by Councillor Cameron, seconded by Councillor Mowat

### **Amendment**

To appoint Councillor Gardiner as Chair

- moved by Councillor McNeese-Mechan, seconded by Councillor Booth

### **Voting**

The voting was as follows:

For the motion (to appoint Councillor Dalgleish) - 5 votes

For the amendment (to appoint Councillor Gardiner) - 5 votes

(For the motion (to appoint Councillor Dalgleish): Councillors Beal, Cameron, Dalgleish, Jones and Mowat.

For the amendment (to appoint Councillor Gardiner): Councillors Booth, Gardiner, Mattos-Coelho, McNeese-Mechan and Staniforth.)

In terms of Standing Order 24.5, there was no casting vote as the vote related to the appointment of members. In this case, there being an equal number of votes cast for both the motion and the amendment, the decision required to be made by lot.

### **Decision**

To appoint Councillor Gardiner as Chair for this item.

## 6. Land 20 Metres North-East of 74 Eyre Place and 49-51 Eyre Place, Edinburgh

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Details were provided of an application for the demolition of existing buildings and erection of 11x flats and maisonettes, a new garden ground and associated infrastructure at Land 20 Metres North-East of 74 Eyre Place and 49-51 Eyre Place, Edinburgh – application no. 23.01201/FUL.

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

### **Motion**

To **GRANT** planning permission subject to:

- (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- (b) Amending condition 6 to read, “Prior to the commencement of works on site, a revised landscape scheme shall be submitted to the planning authority. Once approved, the landscape shall be implemented and maintained, and for the avoidance of doubt, the landscape shall include an amount of diverse low level planting and shrubs to allow for increased flora and fauna and biodiversity on site”.

- moved by Councillor Gardiner, seconded by Councillor Cameron

### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to LDP Policies ENV 12, ENV 18, HOU 3 and NPF4 Policy 6.

- moved by Councillor Booth, seconded by Councillor Staniforth

### **Voting**

The voting was as follows:

For the motion: - 8 votes

For the amendment: - 2 votes

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

For the amendment: Councillors Booth and Staniforth)

### **Decision**

To **GRANT** planning permission subject to:

- (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- (b) Amending condition 6 to read, “Prior to the commencement of works on site, a revised landscape scheme shall be submitted to the planning authority. Once approved, the landscape shall be implemented and maintained, and for the avoidance of doubt, the

landscape shall include an amount of diverse low level planting and shrubs to allow for increased flora and fauna and biodiversity on site”.

(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><b>4.1 – <a href="#">Proposal of Application Notice at 79 Myreside Road, Edinburgh, EH10 5DB</a></b></p>	<p>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 at 79 Myreside Road – application no. – 23/02083/PAN</p>	<p>To note the key issues at this stage.</p>
<p><b>4.2 – <a href="#">6 Circus Lane, Edinburgh, EH3 6SU</a></b></p>	<p>Change of use to short term let for the month of August at 6 Circus Lane – application no. 23/02339/FULSTL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.3 – <a href="#">27 Dunedin Street, Edinburgh, EH7 4JG</a></b></p>	<p>Change of use of existing building from van and car hire depot (Sui Generis) to gym (Class 11) at 27 Dunedin Street- application no. 23/01088/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.4 – <a href="#">Drummond Tennis Club, 1 East Scotland Street Lane, Edinburgh</a></b></p>	<p>Erection of six masts 8m high to provide floodlighting, to the playing surface only, of the tennis courts at Drummond Tennis Club – application no. 23/00838/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.5 - <a href="#">Land 20 Meters North-east Of 74 Eyre Place &amp;, 49 - 51 Eyre Place, Edinburgh</a></b></p>	<p>Clearance and demolition to erect 11x flats and maisonettes, new garden ground and associated infrastructure (As Amended) - application no. 23/01201/FUL</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <ol style="list-style-type: none"> <li>1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</li> <li>2) Amending condition 6 to read, “Prior to the commencement of works on</li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>site, a revised landscape scheme shall be submitted to the planning authority. Once approved, the landscape scheme shall be implemented and maintained, and for the avoidance of doubt, the landscape scheme shall include an amount of diverse low level planting and shrubs to allow for increased flora and fauna and biodiversity on site”.</p> <p>(On a division)</p>
<p><b>4.6 - <a href="#">Brunstane Primary School, 106 Magdalene Drive, Edinburgh</a></b></p>	<p>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</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.7 - <a href="#">Brunstane Primary School, 106 Magdalene Drive, Edinburgh</a></b></p>	<p>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</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>4.8 - <a href="#">Roof Terrace, Waverley Mall, 3 Waverley Bridge</a></b></p>	<p>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</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><b>5.1 - <a href="#">Land At, Saughton Mains Gardens, Saughton</a></b></p>	<p>Residential and commercial development on brownfield site including demolition of existing commercial units, resubmission relating to 20/01318/FUL - application no. 21/04598/FUL</p>	<p>To <b>AGREE</b> to a further three-month extension to the period to conclude the legal agreement which will enable planning permission to be released for this application.</p>
<p><b>5.2 - <a href="#">1 Linksvie House, 26 Tolbooth Wynd, Edinburgh</a></b></p>	<p>Demolition of single storey and three storey blocks of flats, 25 garage lock ups and plinth area with under croft 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) – application no. 18/08051/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives, a legal agreement and NPF4 considerations as set out in the report by the Chief Planning Officer and to AGREE to a further three-month extension to the period to conclude the legal agreement which will enable planning permission to be released for this application.</p>
<p><b>6.1 - <a href="#">Granton Harbour, West Harbour Road, Edinburgh</a></b></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>6.2 - <a href="#">Granton Harbour, West Harbour Road, Edinburgh</a></b></p>	<p>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</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><b>6.3 - <a href="#">22 Inglis Green Road, Edinburgh</a></b></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p><b>6.4 - <a href="#">Application for planning permission at 22 Inglis Green Road</a></b></p>	<p>Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) - application no. 22/02233/FUL</p>	<p>To <b>CONTINUE</b> consideration of the application to enable further discussions between the applicant and planning officers on the construction of a bridge and active travel routes.</p>



## Development Management Sub Committee

**Wednesday 6 September 2023**

**Report for forthcoming application by**

**City Of Edinburgh Council Housing Service. for Proposal of Application Notice**

**23/02765/PAN**

**at Moredunvale Road Amenity Ground, Moredunvale Road, Edinburgh.**

**New landscaping to improve the overall amenity and biodiversity of the existing open space.**

**Item number**

**Report number**

**Wards**

B16 - Liberton/Gilmerton

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming full planning application for new landscaping to improve the overall amenity and biodiversity of the existing open space adjacent to Moredunvale Road.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/02083/PAN on 26th June 2023.

### **Links**

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The application site is green space (Craigour Green) adjacent to the Mordunvale high rise blocks, bounded by Mordunvale Road, Craigour Place, Moredun Park Road. & Moredunvale Place.

### **2.2 Site History**

There is no relevant site history.

## **Main report**

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### **3.1 Description of the Proposal**

The forthcoming application will be the new landscaping to improve the overall amenity and biodiversity of the existing open space adjacent to Moredunvale Road.

### **3.2 Key Issues**

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

#### **(a) The principle of the development is acceptable in this location**

The site lies within the urban area and is defined as HSG 30 (Moredunvale Road-affordable housing development and open space improvements) within the Edinburgh Local Development Plan. Proposals must accord with Moredunvale Development Principles. Additionally, the area is defined as open space (Craigour Green) within the LDP. The impact of the proposal on existing LDP designated open space from any development proposal would need to be considered in the context of policy Env 18 (Open Space Protection) which sets out the criteria for proposals where any loss is proposed.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination. There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted both City Plan 2030 and NPF4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

**(b) The scale, design, layout and materials are sustainable and acceptable within the character of the area**

The proposals would be assessed against the relevant design policies in the Local Development Plan, NPF4 and the non-statutory Edinburgh Planning Guidance (where applicable). The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance.

**(c) The proposals will have a detrimental impact on the amenity of neighbours and future occupiers of the development**

Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected and that the users of the green space will enjoy a good level of amenity.

**(d) The proposed access arrangements, connectivity and parking levels are acceptable**

Transport information regarding general access arrangements and cycle parking will be required to support this submission.

**(e) There are any other environmental factors that require consideration**

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

- Pre-application Consultation Report;
- Planning Statement;
- Flood Risk Assessment and drainage information;
- Ecological Survey.
- Sustainability Statement.

The proposals will require to be screened for EIA development.

### **3.3 Assessment**

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

## **Financial impact**

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

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

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

## **Equalities impact**

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

## **Sustainability impact**

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

## **Consultation and engagement**

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

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions one on 7th July 2023- Goodtrees Neighbourhood Centre, 5 Moredunvale Pl, Edinburgh EH17 7LB & 20th-22nd July 2023- on the proposed site/open space in Moredunvale.

The proposals were advertised in the Edinburgh Evening News on 1st - 30th June 2023 & 2nd - 13th July 2023

Other consultation methods included:

- 
- Presence at the Goodtrees Mini Carnival on the 7th of July to provide information on the project and gather ideas and input from the public.
  - A series of in person workshops over three days with 1:1 scale design exercises in person on the proposed site.
- 

The Proposal of Application Notice was sent to Gilmerton/Inch Community Council, Ward Councillors Cllr. Martha Mattos Coelho, Cllr Lesley Macinnes, Cllr Lezley Marion Cameron, Cllr Phil Doggart; and Ian Murray MP.

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

## **Background reading/external references**

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

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

Contact: Adam Cairns, Planning Officer  
E-mail: [adam.cairns@edinburgh.gov.uk](mailto:adam.cairns@edinburgh.gov.uk)

## Location Plan

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END

## Development Management Sub-Committee Report

**Wednesday 6 September 2023**

**Application for Planning Permission  
24 Canning Street, Edinburgh, EH3 8EG**

**Proposal: Proposal to convert serviced offices into serviced accommodation within an existing building. Formation of additional floor space by adding mezzanines decks which primarily hold the sleeping accommodation (as amended).**

**Item – Committee Decision  
Application Number – 22/01764/FUL  
Ward – B11 - City Centre**

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

This application requires to be considered by Development Management Sub Committee because under the Scheme of Delegation in place at the time the application was submitted more than six objections were received.

### **Recommendation**

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

### **Summary**

The proposal is acceptable in terms of Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the character of the surrounding area.

## SECTION A – Application Background

### Site Description

The application site is a former school, now operating as a business centre, located on the corner of Torphichen Street and Canning Street. It is a sandstone building of mainly two storeys with a smaller width central third storey plus roof accommodation and has a slate roof. The building has a symmetrical design and sits behind railings. There is parking for 14 vehicles in the tarmac grounds to the side and rear.

To the west there is a traditional terrace of tenements and to the east two storey stone terraced houses and traditional mews style buildings. To the north (rear) there are also mews style buildings including modern terraced houses. Opposite the site is a modern building operating as an hotel and further eastwards there is a modern tall office building on the south side of Canning Street.

The building is a category B listed building (Ref: LB43888; date of listing 2/5/1997; listed under 27 Torphichen Street). The listing includes the Janitor's House, gates, gate piers, boundary walls and railings. It was designed as Torphichen Street School in 1887 by Robert Wilson architect to the Edinburgh School Board and is two storey symmetrical school in classical style on a corner site. The principal elevation is cream sandstone polished and the side and rear elevations are squared and snecked rubble. There is a base course, dividing band course, consoled cornice and blocking course and architraved windows. The school building carefully aligns with the street plan as well as the proportion and detail of the earlier 19th century tenements next to it. The school was planned as a combined infant and juvenile school set across two classroom blocks linked by a central stair hall that also divided the building east and west to separate male and female pupils.

Internally the building is almost as originally built with a few alterations such as partitions. The original plan form is mostly intact including the larger classrooms, staircase, and symmetry. Original features such as fireplaces, doors, cupolas, and cornicing are also still found in the building.

There are adjacent and nearby listed buildings including:- 3-25 (Odd Nos) Torphichen Street, Including Railings B Listing (Ref: Lb29848 12/14/1970); 14-22 (Even Nos) Torphichen Street And 1, 1a Torphichen Place, Including Railings B (Ref: Lb29850 12/14/1970); 1-11 (Inclusive Nos) Canning Street Lane And 2 Canning Street, Atholl House C (Ref: LB46521 10/27/1999); and 1-22 (Inclusive Nos) Atholl Crescent, Including Railings, Lamp Standards And 9, 10, 13, 15, 18 And 20 Atholl Crescent Lane A (Ref: Lb28260 12/14/1970).

A mix of land uses is found in the surrounding area including residential, offices, hotels, and retail. Haymarket Railway Station and two tram stops (Haymarket Terrace and Shandwick Place) are within walking distance as are bus stops offering a range of routes. Local facilities and the city centre are within walking and cycling distance. The street is a busy city centre thoroughfare.

The application property is in West End Conservation Area and adjacent to New Town Conservation Area. It is in the Old and New Towns of Edinburgh World Heritage Site (Western New Town).



## Description Of the Proposal

The proposal is for a change of use from office to serviced apartments and associated alterations to the building to accommodate the change of use. Thirty-three serviced apartments are proposed in a range of studio, 1, 2 and 3 bed units:

### Ground Floor:

- 1 x Studio
- 8 x 1 Bed Units
- 4 x 2 Bed Units
- 1 x 3 Bed Unit
- Amenity space (gym)

### First Floor:

- 2 x Studio
- 10 x 1 Bed Units
- 4 x 2 Bed Units

### Second Floor:

- 2 x 1 Bed Units
- 1 x 2 Bed Units

Both external and internal changes are proposed to the listed building. The proposed alterations to the listed building are sought in parallel planning application 22/01763/LBC.

Exterior alterations include additional rooflights in conservation style and removal of some existing rooflights in the central front section of the roof plane. Doors on the western-most and eastern-most doors positions on the front facade on the ground floor will be replaced with a window occupying the whole of the existing door opening space. Windows will be re-glazed with slim double glazing and secondary glazing will also be installed. Current entry and escape points are retained including the ramp access on the western door fronting Torphichen Street. No changes are proposed to the grounds.

Internal alterations include addition of partitions to divide rooms, e.g., to create shower rooms/en-suites, part-mezzanine floors, and installation of a lift. Subdivision of some of the larger rooms will involve new walls and the creation of space for the installation of a lift. Shower rooms and kitchens will be installed in the rooms. Downtakings are also proposed and mainly include non-original partitions.

A few doors will be widened, and a few will be removed and infilled to form a niche and those doors/door openings not needed will be permanently locked. Redundant doors in the main circulation space will be retained and will be closed in on the inside of the rooms. It is proposed to replace some doors with fire resistant doors. Some historic or early doors will be removed. Fire surrounds will be retained with some being protected i.e., boxed in. Some existing linings will remain, and some will be removed with new linings installed for fire rated, acoustic and thermally performing linings. This will include wall and ceiling linings.

## Revised Scheme

Revised drawings submitted to address concerns of HES and to enhance clarity in the drawings.

### **Supporting Information**

- Conservation Statement and Heritage Impact Assessment
- Design and Access Statement

### **Relevant Site History**

22/01763/LBC  
24 Canning Street  
Edinburgh  
EH3 8EG

Exterior alterations include changes to roof lights, replacing doors with windows and re-glazing existing windows with slim double glazing; internal alterations include addition of partitions to divide rooms, installation of lift and part-mezzanine floors and replacing linings and doors (as amended).

### **Other Relevant Site History**

23/03010/FUL

Propose to install automatic barriers and bollards at vehicular entrances to the site.  
Pending Consideration

23/03009/LBC

Propose to install automatic barriers and bollards at vehicular entrances to the site.  
Permission Not Required 14.07.2023.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Roads Authority (Transport)

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

### **Publicity and Public Engagement**

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

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

**Press Publication Date(s):** 13 May 2022

**Site Notices Date(s):** 10 May 2022

**Number of Contributors:** 9

## 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: Use and Adaption of Listed Buildings

- Managing Change in the Historic Environment: Windows
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Accessibility
- Managing Change in the Historic Environment: Interiors
- Managing Change in the Historic Environment: Fire Safety Management
- Managing Change in the Historic Environment: Setting

Historic Environment Scotland (HES), in its response to the parallel LBC application (22/01763/LBC), originally advised that it has no issue with the principals of the proposal and that further consideration is given to the protection of surviving historic fabric, including fireplaces, cornicing, timber panelled doors and intact elements of the school's original/historic plan form. Revised drawings were provided to address HES concerns and following further consultation it advised that it maintains its original comments and welcomes that more of the surviving original/historic fireplaces will be left visible.

The proposed change of use will enable the listed building to remain in use and prevent it from becoming empty and deteriorating. Consideration of the listed building consent proposals will enable change to be managed to protect the listed building's special interest allowing it to remain in active use.

Externally the proposed changes, such as repairing/refurbishing windows and which is welcomed, will not change the appearance of the building within the streetscape or the symmetry of the windows on the front elevation. Re-glazing the windows with slim lite double glazing will not detract from the overall appearance of the facades of the listed building. To ensure that the proposed secondary glazing will not interrupt the glazing pattern of the existing sash and case windows, it is recommended that a condition be used, in order to demonstrate that there will be a minimal impact visually on the building's fenestration pattern. Whilst the proposed windows which will replace existing glazed doors at the eastern-most and western-most extremities of the front elevation are a modern design, they will retain the width and height and not alter the existing opening sizes. They will also contribute to the symmetry of the building's front elevation. A condition is recommended to require the windows to be timber framed.

Although conservation style rooflights will be introduced into the roof plane, a large amount of original roof plane will remain and some existing rooflights will be removed thus re-instating more roof plane area.

Details of external fixtures such as drainage pipes, air conditioning units and HVAC (Heating Ventilation and Air Conditioning) are required, and a condition is recommended requiring detailed drawings. There is no indication that key safes are proposed to be attached to railings or to other parts of the listed building and listed building consent would be required for such a proposal.

Accessibility to the listed building will be enabled by the existing ramp to the western door (fronting Torphichen Street) which will remain and by the proposed installation of a lift. HES accepts the subdivision of a larger room to facilitate the provision of a lift inside the building to improve accessibility of the listed building.

The building has experienced some alterations and subdivision in its use as an office/business space. However, most of the original historic fabric has survived such as the staircases, fireplaces and cornicing and the building is in good condition inside.

One of the building's key internal features is the relationship between the circulation space and the classrooms and this will not be lessened by the proposals. The quality of the decorative scheme particularly in the stairwell and hallway, such as the staircase, ceiling and cupolas will not be diminished by the proposals.

The interrelationship of rooms and circulation space is a reflection of the building's design, function, status, and period. The circulation space in the hallway and original staircases will remain and the plan form in terms of the relationships of rooms to the hall and stairs will also remain. These are key historical design elements which strongly contribute to the building's special interest and its original use.

In terms of the plan layout many of the larger classrooms and communal space remains. The proposals will keep much of the internal features and fixtures and although some rooms will be divided and mezzanine floors added to most rooms, the original plan layout will still be legible. This will retain the cultural importance of the building, its specific design character and special interest.

Mezzanine floor levels are not a traditional characteristic of the building. However, they will enable the floor plan form to remain largely intact and retain ceiling heights. They would also be reversible. The introduction of kitchens and en-suite shower rooms in each of the proposed serviced apartments should be done in a sympathetic manner and not compromise original cornicing or skirtings. In order to protect the historic fabric detailing, a condition is recommended that kitchen units are not attached to walls.

HES urges a more sympathetic conversion of the small office to the west of the west escape exit which will be converted to a 1 bed unit. The room retains its form, proportions, and mirrors the small office at the east end of the building, which makes it significant to the building's surviving symmetrical plan form. Its conversion will introduce a kitchen and shower room compared to the equivalent small room on the east side which shall be used for amenity space thus retaining its original form. Although this will reduce the symmetry of the building's plan form, the room itself will remain the same size and from the outside the building will still appear as being symmetrical. In this context, this alteration is acceptable.

Many of the fireplaces will be left visible within the rooms and it is proposed that a few will be protected behind timber and plasterboard. However, the fireplaces are an important surviving element and, thus, a condition is recommended to maintain the visibility of the fireplaces within the rooms.

Original doors will be replaced with fire resistant doors. Managing Change Guidance: Fire Safety Management in the Historic Environment states that, "In historic buildings, the aim is to achieve a balance between fire safety provision and the protection of a building's historic character. Where physical intervention is necessary, careful consideration should go into design and installation in order to respect and minimise impact on the building's character." HES has stated that it encourages the retention of original doors and advises refurbishing them with intumescent strips and paint where possible. Therefore, it is recommended, should planning permission be granted, that a condition is used with the aim of retaining the original doors where possible and should it not be possible, e.g. if not able to provide the required fire resistance, then justification is provided and original doors stored for re-hanging in future. The proposed treatment to fix-shut redundant original/historic doors on the hallway side is welcomed and will retain these original doors in place.

The overall appearance of the listed building in the streetscape and in its grounds will not change. Trees at the front will continue to contribute to the setting of the listed building. Therefore, its setting and the setting of adjacent and neighbouring listed buildings will not be changed or compromised by the proposals.

The proposal will enable the listed building to remain in use. The proposed changes, with the use of conditions, will not harm the special architectural or historic interest of the building and will not detract from its setting or the setting of adjacent and neighbouring listed buildings.

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

The proposal is acceptable in terms of Section 59 (1) of the Planning (Listed Building 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 following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Conservation Areas

The West End Conservation Area Character Appraisal states that the conservation area, "... is a large diverse area with a rich mix of historical periods and stages of development. The area is characterised by mixed, residential, and commercial buildings with the Georgian and Victorian tenements being mainly 4-6 storeys, constructed of stone with pitched, slated roofs. The area is generally characterised by irregularly shaped tenemental blocks, comprising buildings from a variety of periods, some with mews to the rear." The West End Conservation Area is also diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants.

In relation to Torphichen Street and Canning Street, the West End Conservation Character Appraisal recognises the Victorian school on Torphichen Street, is one of three buildings of interest. The other two buildings of interest are the former electricity offices and depot and Conference House. The Character Appraisal also states that, "The presumption of retaining and reusing buildings of merit within the area must continue..."

Lying in the western part of the conservation area, the application site is in a street containing both traditional and modern buildings. The modern buildings are of a different scale, height, materials, and street relationship to neighbouring historic buildings and compared to that of the application site, the former Torphichen Street School.

The proposed external alterations are minor and will not alter the overall appearance of the building within the streetscape or the conservation area. It is in a prominent corner position and its symmetrical facing of the two streets, Canning Street and Torphichen Street, will not be altered by the proposal. Whilst the landscape setting will not be enhanced, the existing setting around the building, in the street and in the conservation, area will preserve the existing appearance of the conservation area.

Commercial land uses, such as hotels and STL properties, are found in the conservation area. The proposed change of use from one commercial use to another commercial use is compatible with the mixed-use character in this part of the conservation area. The character of the conservation area will be preserved.

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

In relation to the conservation area the proposals preserve the character and appearance of the conservation area. The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

The relevant policies to be considered are:

- NPF4 Sustainable Places Policies 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Sustainable Transport Policy 13.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Design Policies Des 5 and Des 12.
- LDP Transport Policies Tra 2 Tra 3 and Tra 4.
- LDP Transport Policy Emp 9.
- LDP Delivering the Strategy Policy Del 2.

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7. The non-statutory Guidance for Business (updated April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2, Tra 3 and Tra 4.

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

It has been concluded in sections a) and b) that the proposals will not harm the listed building, its setting, or the setting of adjacent listed buildings and that the character and appearance of the conservation area will be preserved.

The re-use of the building will ensure this part of the World Heritage Site is maintained as a thriving part of the city without harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage site. The proposed external changes will have no detrimental impact on the OUV and will not threaten the authenticity of the World Heritage Site.

The proposal complies with NPF 4 Policy 7.

#### Principle of Development - Proposed Use

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site. It is close to local facilities and public transport routes as well as being within walking and cycling distance of local facilities and the city centre. The site is sustainably located.

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

Policy Del 2 (City Centre) aims to retain and enhance the City Centre's character, attractiveness, vitality, and accessibility.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas), seeks to protect residential amenity. LDP Policy Des 5 (Development Design - Amenity) states that, planning permission will be granted for development where it is demonstrated that: a) the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook.

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

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

As serviced apartments can also be classified as short term lets, it is appropriate to assess the proposed use in terms of the policies NPF4 Policy 30, LDP Policies Hou 7 and Del 2. Although the change of use is from one commercial/business use to another, i.e., from offices to serviced accommodation, the Guidance for Business is useful as it sets out the considerations for assessing the impact on amenity of the proposed use.

The proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The proposal will not prejudice or inhibit the activities of any nearby employment use and will contribute to some degree to the



vitality of the city centre. The proposal complies with the objectives of NPF4 Policy 30 and LDP Policy Del 2.

There is no LDP policy applicable to the loss of office use in the City Centre. However, LDP policy Emp 9 (Employment Sites and Premises) is applicable and redeveloping the site for another business use complies with LDP Policy Emp 9.

### *Amenity*

The application site is a stand-alone building sitting within its own grounds with its own accesses. It is currently operating as a commercial use. This will minimise the effect of the proposed change of use to serviced accommodation could have on the immediate neighbouring properties residential amenity.

The application property is located within a busy city centre context with other commercial uses and on a busy thoroughfare. The area is also characterised by tourist activities, such as hotels and short term let properties. The proposed use would not increase the ambient background noise above levels that existing residents would reasonably expect within the neighbourhood and local area. Anti-social behaviour, such as noise, can be dealt with through the responsibilities of other legislation and services, such as Police Scotland or Environmental Protection.

Changing the use will result in a different use pattern compared to the existing situation, such as usage at night and over the weekend. Whilst it is acknowledged that this could affect privacy and overlooking of existing residential properties to the rear, the commercial use of the building is well established, and it is located in a densely developed area. As such, the proposal will not have an unreasonable impact on privacy or overlooking.

The proposal will not have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal complies with LDP Policy Hou 7.

There will not be a loss of residential use as the building is currently offices. The proposal will be compatible with the nature of the surrounding area and will not hinder the provision of homes and services for local people. As such, the proposal will comply with NPF4 policy 30 (part b).

The principle of the development and proposed change of use are acceptable.

### 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. The proposal will support an attractive built environment, retain the established distinctive local architectural design and result in the investment in the long-term value of the building. It will also be sustainable and connected.

The proposal will retain the symmetry and original design concept of the building. Proposed external alterations will be sympathetic and maintain the overall appearance of the building thus not detracting from its character. In terms of the impact on amenity (Des 12-part c), this has been covered above (under heading Principle of Development/Proposed Use).

The proposal complies with NPF4 Policy 14 and LDP Policy Des 12 (Alterations and Extensions).

### Transport and Parking

NPF4 Policy 13 aims to encourage sustainable travel and LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out the maximum number of car parking spaces for new development and sets out the cycle and motorbike parking requirements.

The Roads Authority (Transport) has advised that it has no objection to the application subject to conditions or informatives as appropriate relating to cycle and motorbike parking, electric vehicle parking spaces, an accessible parking space and a Travel Plan. There is no net tram contribution.

Car parking already exists to the rear and sides of the application site with 14 spaces. There would be sufficient space to provide secure cycle and motorbike parking on site as well as an accessible space and electric vehicle charging spaces. Therefore, it is recommended that a condition be attached, should planning permission be granted, requiring parking spaces for cycles, motorbikes, accessible and electric vehicle charging. An informative is recommended in relation to a Travel Plan.

The proposal complies with NPF4 Policy 13 and LDP policies Tra 2, Tra 3 and Tra 4, with the use of a condition.

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

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the surrounding area.

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

The following material planning considerations have been identified:

#### Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions.

The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

### 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. No impacts have been identified. A ramp will give access up the steps to the western entrance and a lift will be installed. Accessibility of the building will be improved.

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*

- impact on listed building - classroom spaces, mezzanines, new windows, rooflights. Addressed in section a).
- Heritage Impact Assessment - fails to properly assess changes against significance of building; downplays impact; no justification or alternative schemes. *The updated Conservation Statement and Heritage Impact Assessment provides sufficient information to enable the planning authority to consider the proposals.*
- loss of historical features. Addressed in section a).
- loss of office use. Addressed in section c).
- loss of neighbourhood residential character and becoming a commercial zone, e.g., too many hotels. Addressed in section c).
- impact on quality of life for residents - noise, disturbance, and anti-social behaviour. Addressed in section c).
- economic impact. Addressed in section c).
- Neighbour Notification - letters sent out late and only to a few residents. *The neighbour notification was carried out in line with the Planning legislation.*

### *non-material considerations*

- possible future uses, e.g., hostel. *The planning authority can only consider the application submitted and cannot assess any possible future uses.*
- litter.
- parking enforcement. *This is the responsibility of the Roads Authority or Police Scotland.*
- management of the units - e.g., who will the units be let to?
- construction work.

### *West End Community Council*

- exterior - detail lacking, e.g., key safes, ducting for drainage and ventilation for kitchens and bathrooms, secondary glazing.
- interior - sub-division of classrooms, create mezzanine floors, etc.
- loss of historic features.
- Heritage Impact Assessment - states: states classrooms to be an "area of highest significance" and "The existence of the original classroom plan is also a significant element to be considered".
- impact on conservation area, World Heritage Site, and character of area. Addressed in sections b) and c).
- impact on residential amenity - increase noise and disturbance
- use for community activities/facilities. *This is not a material planning consideration. The planning authority can only consider the application submitted.*
- Housing shortage. *This is not a material planning consideration for this application.*

West End Community Council comments are addressed in sections a), b) and c).

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

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

### **Overall conclusion**

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

The proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the special architectural and historic interest of the listed building and setting. The character and appearance of the conservation area will be preserved, and the Outstanding Universal Value of the World Heritage Site will not be compromised. A change of use to serviced apartments will not have an unreasonable impact on residential amenity. Furthermore, it is recognised that there is an economic benefit in the serviced apartment use, and, in this instance, the use is compatible with the surrounding area.

## 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:
  - all the original fireplaces shall remain in place and visible/open to view and shall not be boxed in.
  - no kitchen units to be attached to the original internal walls or skirting boards; and
  - no services shall interfere with the original decorative elements of the rooms.
3. Notwithstanding the approved drawings, details of services, such as extract vents etc, on the external walls and roof shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
4. Notwithstanding the drawings, the original doors shall be kept in place and not removed or replaced. Should the original doors be required to be removed for fire resistance purposes, justification should be provided and a detailed storage strategy for the doors before they are removed shall be submitted to and approved in writing by the planning authority.
5. Prior to the commencement of development full details of the secondary glazing shall be submitted to and approved in writing by the planning authority and the secondary glazing shall be implemented in accordance with the agreed details.
6. The window frames for the proposed windows at ground floor on the front elevation shall be timber.
7. Prior to commencement of development details of safe and secure cycle and motorbike parking, accessible parking space(s) and electric vehicle charging spaces shall be submitted on a drawing to the planning authority for approval in writing. Details shall include:
  - a. 4 cycle parking spaces and 1 motorcycle parking space in a secure and under cover location.
  - b. a minimum of 2 electric vehicle charging spaces; and
  - c. a minimum of 1 accessible parking space.

### Reasons

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

2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the character of the statutorily listed building.
5. In order to safeguard the character of the statutorily listed building.
6. In order to safeguard the character of the statutorily listed building.
7. In order to provide for sustainable travel options and to comply with parking standards.

### **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. 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.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

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

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

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

**Date Registered: 31 March 2022**

**Drawing Numbers/Scheme**

01,02,03B,04B,05,06,07C,08C,09C,10A,11A,12,13A-23A

Scheme 4

**David Givan**  
**Chief Planning Officer**

**PLACE**  
**The City of Edinburgh Council**

Contact: Jackie McInnes, Planning officer  
E-mail: jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

**Summary of Consultation Responses**

NAME: Roads Authority (Transport)

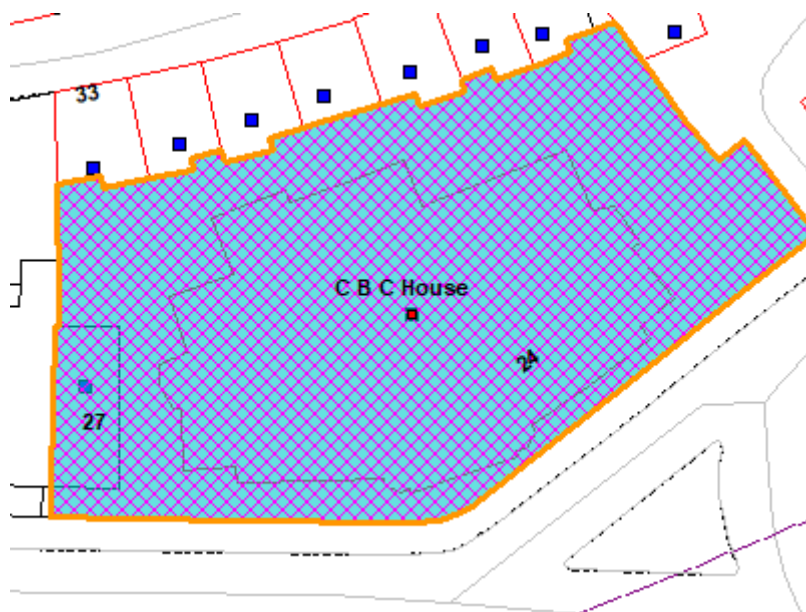
COMMENT: No objections subject to appropriate conditions and informatives as appropriate:

1. The applicant should be required to provide:
  - a. 4 cycle parking spaces and 1 motorcycle parking space in a secure and under cover location.
  - b. a minimum of 2 electric vehicle charging spaces.
  - c. a minimum of 1 accessible parking space.
2. The applicant should consider developing a Travel Plan.

DATE: 8 August 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 6 September 2023**

**Application for Listed Building Consent  
24 Canning Street, Edinburgh, EH3 8EG**

**Proposal: Exterior alterations include changes to roof lights, replacing doors with windows and re-glazing existing windows with slim double glazing; internal alterations include addition of partitions to divide rooms, installation of lift and part-mezzanine floors and replacing linings and doors (as amended).**

**Item – Other Item at Committee  
Application Number – 22/01763/LBC  
Ward – B11 - City Centre**

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

This application is linked to planning application 22/01764/FUL which requires to be considered by Development Management Sub Committee because, under the Scheme of Delegation in place at the time the application was submitted, there are more than six objections, and the recommendation is to grant planning permission. In the public interest and to enable a holistic approach to considering the proposed development, this Listed Building application will also be considered by the Development Management Sub Committee.

### **Recommendation**

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

### **Summary**

The proposal will not harm the special architectural and historic interest of the building. The proposals will preserve the character and setting of the listed building and accord with sections 59 and 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It will also preserve the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion. The proposal, with the use of conditions, is acceptable.

## SECTION A – Application Background

### Site Description

The application site is a former school, now operating as a business centre, located on the corner of Torphichen Street and Canning Street. It is a sandstone building of mainly two storeys with a smaller width central third storey plus roof accommodation and has a slate roof. The building has a symmetrical design and sits behind railings. There is parking for 14 vehicles in the tarmac grounds to the side and rear.

To the west there is a traditional terrace of tenements and to the east two storey stone terraced houses and traditional mews style buildings. To the north (rear) there are also mews style buildings including modern terraced houses. Opposite the site is a modern building operating as an hotel and further eastwards there is a modern tall office building on the south side of Canning Street.

The building is a category B listed building (Ref: LB43888; date of listing 2/5/1997; listed under 27 Torphichen Street). The listing includes the Janitor's House, gates, gatepiers, boundary walls and railings. It was designed as Torphichen Street School in 1887 by Robert Wilson architect to the Edinburgh School Board and is a two-storey symmetrical school in classical style on a corner site. The principal elevation is cream sandstone polished and the side and rear elevations are squared and snecked rubble. There is a base course, dividing band course, consoled cornice and blocking course and architraved windows. The school building carefully aligns with the street plan as well as the proportion and detail of the earlier 19th century tenements next to it. The school was planned as a combined infant and juvenile school set across two classroom blocks linked by a central stair hall that also divided the building east and west to separate male and female pupils.

Internally the building is almost as originally built with a few alterations such as partitions. The original plan form is mostly intact including the larger classrooms, staircase, and symmetry. Original features such as fireplaces, doors, cupolas, and cornicing are also still found in the building.

There are adjacent and nearby listed buildings including:- 3-25 (Odd Nos) Torphichen Street, Including Railings B Listing (Ref: Lb29848 12/14/1970); 14-22 (Even Nos) Torphichen Street And 1, 1a Torphichen Place, Including Railings B (Ref: Lb29850 12/14/1970); 1-11 (Inclusive Nos) Canning Street Lane And 2 Canning Street, Atholl House C (Ref: LB46521 10/27/1999); and 1-22 (Inclusive Nos) Atholl Crescent, Including Railings, Lamp Standards And 9, 10, 13, 15, 18 And 20 Atholl Crescent Lane A (Ref: Lb28260 12/14/1970).

A mix of land uses is found in the surrounding area including residential, offices, hotels, and retail. Haymarket Railway Station and two tram stops (Haymarket Terrace and Shandwick Place) are within walking distance as are bus stops offering a range of routes. Local facilities and the city centre are within walking and cycling distance. The street is a busy city centre thoroughfare.

The application property is in West End Conservation Area and adjacent to New Town Conservation Area. It is in the Old and New Towns of Edinburgh World Heritage Site (Western New Town).

## **Description of the Proposal**

Both external and internal changes are proposed to the listed building. The proposed alterations to the listed building are sought in parallel to a proposed change of use to serviced accommodation (planning application 22/01764/FUL).

Exterior alterations include additional rooflights in conservation style and removal of some existing rooflights in the central front section of the roof plane. Doors on the western-most and eastern-most doors positions on the front facade on the ground floor will be replaced with a window occupying the whole of the existing door opening space. Slimlite double glazing units will be installed in the existing windows and secondary glazing will also be installed. Current entry and escape points are retained including the ramp access on the western door fronting Torphichen Street. No changes are proposed to the grounds.

Internal alterations include addition of partitions to divide rooms, part-mezzanine floors, and installation of a lift. Shower rooms and kitchens will be installed in the rooms. Subdivision of some of the larger rooms will involve new walls and the creation of space for the installation of a lift. Downtakings are also proposed and mainly include non-original partitions.

A few doors will be widened, and a few will be removed and infilled to form a niche and those doors/door openings not needed will be permanently locked. Redundant doors in the main circulation space will be retained and will be closed in on the inside of the rooms. It is proposed to replace some doors with fire resistant doors. Some historic or early doors will be removed. Fireplace surrounds will be retained with a few being boxed. Some existing linings will remain, and some will be removed with new linings installed for fire rated, acoustic and thermally performing linings. This will include wall and ceiling linings.

Internally the works proposed will accommodate studio, 1, 2 and 3 bed units for serviced accommodation (refer to planning application 22/01764/FUL).

A proposed change of use from offices to form 33 serviced accommodation apartments will be considered in the parallel application 22/01764/FUL.

### Revised Scheme

Revised drawings submitted to address concerns of HES and to enhance clarity of the drawings.

### **Supporting Information**

- Conservation Statement and Heritage Impact Assessment
- Design and Access Statement

### **Relevant Site History**

22/01764/FUL  
24 Canning Street  
Edinburgh  
EH3 8EG

Proposal to convert serviced offices into serviced accommodation within an existing building. Formation of additional floor space by adding mezzanines decks which primarily hold the sleeping accommodation (as amended).

### **Other Relevant Site History**

23/03010/FUL

Propose to install automatic barriers and bollards at vehicular entrances to the site.  
Pending Consideration

23/03009/LBC

Propose to install automatic barriers and bollards at vehicular entrances to the site.  
Permission Not Required 14.07.2023.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Historic Environment Scotland (HES)

Historic Environment Scotland

Historic Environment Scotland (HES)

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):** 13 May 2022

**Site Notices Date(s):** 10 May 2022

**Number of Contributors:** 2

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
  - a. harms a listed building or its setting? or
  - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?

- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

## Assessment

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

### a) The proposals harm the listed building or its setting.

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

- Managing Change in the Historic Environment: Use and Adaption of Listed Buildings
- Managing Change in the Historic Environment: Windows
- Managing Change in the Historic Environment: Roofs
- Managing Change in the Historic Environment: Accessibility
- Managing Change in the Historic Environment: Interiors
- Managing Change in the Historic Environment: Fire Safety Management
- Managing Change in the Historic Environment: Setting

Historic Environment Scotland (HES) originally advised that it has no issue with the principles of the proposal, but that detailed consideration is given to the protection of surviving historic fabric, including fireplaces, cornicing, timber panelled doors and intact elements of the school's original/historic plan form. Revised drawings were provided to address HES concerns and following further consultation it advised that it maintains its original comments and welcomes that more of the surviving original/historic fireplaces will be left visible.

The proposed change of use will enable the listed building to remain in use and prevent it from becoming empty and deteriorating. Consideration of the listed building consent proposals will enable change to be managed to protect the listed building's special interest allowing it to remain in active use.

Externally the proposed changes, such as repairing/refurbishing windows and which is welcomed, will not change the appearance of the building within the streetscape or the symmetry of the windows on the front elevation. Re-glazing the windows with slimlite double glazing will not detract from the overall appearance of the facades of the listed building. To ensure that the proposed secondary glazing will not interrupt the glazing pattern of the existing sash and case windows, it is recommended that a condition be used, in order to demonstrate that there will be a minimal impact visually on the building's fenestration pattern. Whilst the proposed windows which will replace existing glazed doors at the eastern-most and western-most extremities of the front elevation are a modern design, they will retain the width and height and not alter the existing opening sizes. They will also contribute to the symmetry of the building's front elevation. A condition is recommended to require the windows to be timber framed.

Although conservation style rooflights will be introduced into the roof plane, a large amount of original roof plane will remain and some existing rooflights will be removed thus re-instating more roof plane area.

Details of external fixtures such as drainage pipes, air conditioning units and HVAC (Heating Ventilation and Air Conditioning) are required, and a condition is recommended requiring detailed drawings. There is no indication that key safes are proposed to be attached to railings or to other parts of the listed building and listed building consent would be required for such a proposal.

Accessibility to the listed building will be provided by the existing ramp to the western door (fronting Torphichen Street) which will remain and by the proposed installation of a lift. HES accepts the subdivision of a larger room to facilitate the provision of a lift inside the building to improve accessibility of the listed building.

The building has experienced some alterations and subdivision in its use as an office/business space. However, most of the original historic fabric has survived such as the staircases, fireplaces and cornicing and the building is in good condition inside. One of the building's key internal features is the relationship between the circulation space and the classrooms and this will not be lessened by the proposals. The quality of the decorative scheme particularly in the stairwell and hallway, such as the staircase, ceiling and cupolas will not be diminished by the proposals.

The interrelationship of rooms and circulation space is a reflection of the building's design, function, status, and period. The circulation space in the hallway and original staircases will remain and the plan form in terms of the relationships of rooms to the hall and stairs will also remain. These are key historical design elements which strongly contribute to the building's special interest and its original use.

In terms of the plan layout many of the larger classrooms and communal space remains. The proposals will keep much of the internal features and fixtures and although some rooms will be divided and mezzanine floors added to most rooms, the original plan layout will still be legible. This will retain the cultural importance of the building, its specific design character and special interest.

Mezzanine floor levels are not a traditional characteristic of the building. However, they will enable the actual floor plan form to remain largely intact and retain ceiling heights. They would also be reversible. The introduction of kitchens and en-suite shower rooms in each of the proposed serviced apartments should be done in a sympathetic manner and not compromise original cornicing or skirtings. In order to protect the historic fabric detailing, a condition is recommended that kitchen units are not attached to walls.

HES urges a more sympathetic conversion of the small office to the west of the west escape exit which will be converted to a 1 bed unit. The room retains its form, proportions, and mirrors the small office at the east end of the building, which makes it significant to the building's surviving symmetrical plan form. Its conversion will introduce a kitchen and shower room compared to the equivalent small room on the east side which shall be used for amenity space thus retaining its original form. Although this will reduce the symmetry of the building's plan form, the room itself will remain the same size and from the outside the building will still appear as being symmetrical. In this context, this alteration is acceptable.

Many of the fireplaces will be left visible within the rooms and it is proposed that a few will be protected behind timber and plasterboard. However, the fireplaces are an important surviving element and, thus, a condition is recommended to maintain the visibility of the fireplaces within the rooms.

Original doors will be replaced with fire resistant doors. Managing Change Guidance: Fire Safety Management in the Historic Environment states that, "In historic buildings, the aim is to achieve a balance between fire safety provision and the protection of a building's historic character. Where physical intervention is necessary, careful consideration should go into design and installation in order to respect and minimise impact on the building's character." HES has stated that it encourages the retention of original doors and advises refurbishing them with intumescent strips and paint where possible. Therefore, it is recommended, should listed building consent be granted, that a condition is used with the aim of retaining the original doors where possible and should it not be possible, e.g. if not able to provide the required fire resistance, then justification is provided and original doors stored for re-hanging in future. The proposed treatment to fix-shut redundant original/historic doors on the hallway side is welcomed and will retain these original doors in place.

The overall appearance of the listed building in the streetscape and in its grounds will not change. Trees at the front will continue to contribute to the setting of the listed building. Therefore, its setting and the setting of adjacent and neighbouring listed buildings will not be changed or compromised by the proposals.

The proposal will enable the listed building to remain in use. The proposed changes, with the use of conditions, will not harm the special architectural or historic interest of the building and will not detract from its setting or the setting of adjacent and neighbouring listed buildings.

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

The proposal is acceptable in terms of Section 59 (1) of the Planning (Listed Building 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 following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Conservation Areas

The West End Conservation Area Character Appraisal states that the conservation area, "... is a large diverse area with a rich mix of historical periods and stages of development. The area is characterised by mixed, residential, and commercial buildings with the Georgian and Victorian tenements being mainly 4-6 storeys, constructed of stone with pitched, slated roofs. The area is generally characterised by irregularly shaped tenemental blocks, comprising buildings from a variety of periods,

some with mews to the rear." The West End Conservation Area is also diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants.

In relation to Torphichen Street and Canning Street, the West End Conservation Character Appraisal recognises the Victorian school on Torphichen Street, is one of three buildings of interest. The other two buildings of interest are the former electricity offices and depot and Conference House. The Character Appraisal also states that, "The presumption of retaining and reusing buildings of merit within the area must continue..."

Lying in the western part of the conservation area, the application site is in a street containing both original and modern buildings. The modern buildings are of a different scale, height, materials, and street relationship to neighbouring historic buildings and compared to that of the application site, the former Torphichen Street School.

The proposed external alterations are minor and will not alter the overall appearance of the building within the streetscape or the conservation area. It is in a prominent corner position and its symmetrical facing of the two streets, Canning Street and Torphichen Street, will not be altered by the proposal. Whilst the landscape setting will not be enhanced, the existing setting around the building, in the street and in the conservation, area will preserve the existing appearance of the conservation area.

Commercial land uses, such as hotels and STL properties, are found in the conservation area. The proposed change of use from one commercial use to another commercial use is compatible with the mixed-use character in this part of the conservation area. The character of the conservation area will be preserved.

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

In relation to the conservation area the proposals preserve the character and appearance of the conservation area. The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **c) there are any other matters to consider.**

The following matters have been identified for consideration:

#### Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. A ramp will give access up the steps to the western entrance and a lift will be installed. Accessibility of the building will be improved.

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*

- fails to preserve or enhance the special architectural character of the B-listed building. Addressed in section a).
- loss of historic features. Addressed in section a).
- loss of form and plan. Addressed in section a).
- Heritage Impact Assessment - fails to properly assess changes against significance of building; downplays impact; no justification or alternative schemes. The updated Conservation Statement and Heritage Impact Assessment provides sufficient information to enable the planning authority to consider the proposals.
- inappropriate changes to window (Gym - Room 0/07). Addressed in section a).
- omits details of proposed drainage, ventilation, and HVAC (Heating Ventilation and Air Conditioning). Addressed in section a).
- adverse impact on conservation area and will not enhance the local landscape setting. Addressed in section b).

### *non-material considerations*

- overdevelopment.
- contradicts guidance and conflicts with the Local Development Plan policies DES 1, ENV 4, ENV 6 and HOU 7. *A listed building within a conservation area is assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and HES Managing Change in the Historic Environment guidance. An assessment in terms of Development Plan policies and of guidance will be undertaken in the consideration of parallel application 22/01764/FUL.*

### *West End Community Council*

- exterior - detail lacking, e.g., key safes, ducting for drainage and ventilation for kitchens and bathrooms, secondary glazing.
- interior - sub-division of classrooms, create mezzanine floors, etc.
- loss of historic features.
- Heritage Impact Assessment - states: states classrooms to be an "area of highest significance" and "The existence of the original classroom plan is also a significant element to be considered".

West End Community Council comments are addressed in sections a) and b).

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

The proposals do not raise any issues in relation to other material considerations identified. Therefore, there are no material considerations which indicate that the proposals should be refused.

## Overall conclusion

The proposal will not harm the special architectural and historic interest of the building. The proposals will preserve the character and setting of the listed building and accord with sections 59 and 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It will also preserve the character and appearance of the conservation area. There are no material considerations that outweigh this conclusion. The proposal is acceptable, with the use of conditions.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. Notwithstanding the approved drawings:
  - all the original fireplaces shall remain in place and visible/open to view and shall not be boxed in.
  - no kitchen units to be attached to the original internal walls or skirting boards; and
  - no services shall interfere with the original decorative elements of the rooms.
2. Notwithstanding the approved drawings, details of services, such as extract vents etc, on the external walls and roof shall be submitted to and approved in writing by the planning authority prior to the commencement of development.
3. Notwithstanding the drawings, the original doors shall be kept in place and not removed or replaced. Should the original doors be required to be removed for fire resistance purposes, justification should be provided and a detailed storage strategy for the doors before they are removed shall be submitted to and approved in writing by the planning authority.
4. Prior to the commencement of development full details of the secondary glazing shall be submitted to and approved in writing by the planning authority and the secondary glazing shall be implemented in accordance with the agreed details.
5. The window frames for the proposed windows at ground floor on the front elevation shall be timber.

### Reasons

1. In order to safeguard the character of the statutorily listed building.
2. In order to safeguard the character of the statutorily listed building.
3. In order to safeguard the character of the statutorily listed building.
4. In order to safeguard the character of the statutorily listed building.
5. In order to safeguard the character of the statutorily listed building.

## **Background Reading/External References**

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

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

**Date Registered: 21 April 2022**

## **Drawing Numbers/Scheme**

01,02,03C,04B,05,06,07,08C,09C,10C,11A,12A13A,14A,15A16A,17A,18A,19A,20A,21,22,23A.

Scheme 3

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

Contact: Jackie McInnes, Planning officer  
E-mail: [jackie.mcinnnes@edinburgh.gov.uk](mailto:jackie.mcinnnes@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Historic Environment Scotland (HES)

COMMENT: Overall, we consider the revisions are an improvement on the original scheme.

Plan Form - Our main concern with the previous scheme was the subdivision of the larger, central rooms to the North and South of the ground and first-level floorplans. While we note the historic plan form of Suite 8 would now be protected, we can therefore accept the sensitive subdivision of Suites 3, 14 and 20 - the subdivision of Suites 3 and 20 will also improve the listed building's accessibility through installation of a lift shaft in these spaces.

We do however maintain our previous recommendation for a more sympathetic conversion of the small front-facing office adjacent to the west escape exit.

Windows - we advise the secondary glazing does not interrupt the glazing pattern of the existing sash and case windows.

Historic Features - We note the majority of fireplaces would be protected behind timber and plasterboard. Our preference would be that more of these are allowed to remain visible.

We encourage the retention of the original/historic timber-panelled doors and advise refurbishing them with intumescent strips and paint where possible. We welcome the proposed treatment to fix-shut redundant original/historic doors on the hallway side.

DATE: 16 March 2023

NAME: Historic Environment Scotland

COMMENT: Having considered the latest drawings (submitted 05 May 2023 on the planning portal), we would like to maintain the comments given in our previous consultation response (dated 14 March 2023) because there appear to be no significant changes proposed since this advice.

we understand the only notable change is that more of the surviving original/historic fireplaces would be left visible.

DATE: 1 June 2023

NAME: Historic Environment Scotland (HES)

COMMENT: While we see no issue with the principle of the proposals, our advice is that further consideration is given to the protection of surviving historic fabric, including fireplaces, cornicing, timber panelled doors and intact elements of the school's original/historic plan form.

Our main concern is the subdivision of the larger, central rooms to the North and South of the ground and first-level floorplans.

While we understand the requirement to install a lift shaft in the location of the north facing principal rooms to provide access to all floors, we would ask consideration is given to a more sympathetic subdivision of the remaining space in these rooms and to the

principal south-facing rooms at ground and first floors.

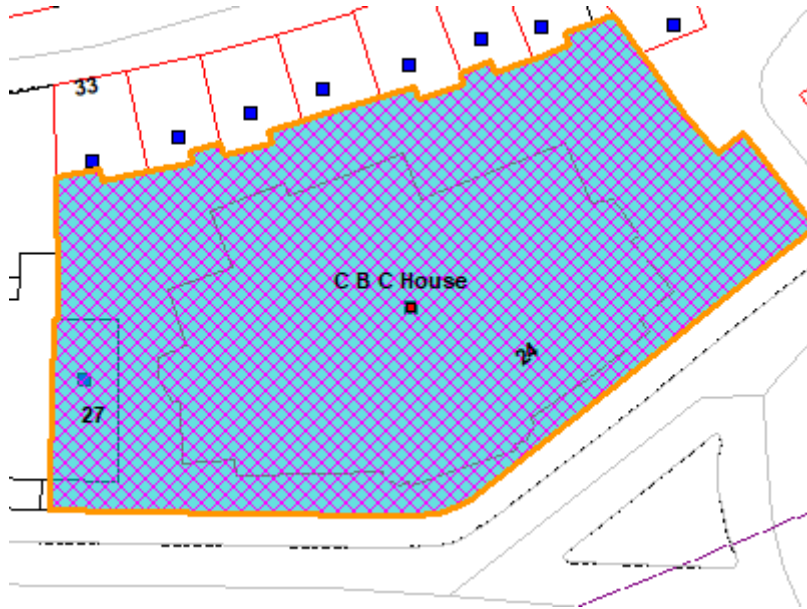
Similarly, we recommend a more sympathetic conversion of the small front-facing office adjacent to the west escape exit, which would become a 1 bed apartment.

We note many doors are proposed for removal. Where these are original/historic, we advise they are either upgraded and re-used for new doorways or fixed shut on the hallway side if they would become redundant through implementation of the proposals.

DATE: 12 May 2022

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 6 September 2023**

**Application for Planning Permission STL  
Wallace College, 12 George IV Bridge, Edinburgh.**

**Proposal: Conversion of existing language school to 7 no. serviced apartments to be operated and managed as one business. Removal of non-load bearing internal partitions and new internal fit-out.**

**Item – Committee Decision  
Application Number – 23/01036/FULSTL  
Ward – B11 - City Centre**

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

Given the significance of the issue of short term lets (STLs) 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 and appearance of the Conservation Area.

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

## **SECTION A – Application Background**

### **Site Description**

The application site is on the first floor of a three- storey, attic, and basements (to Cowgate) tenement building with shops to ground floor at George IV Bridge. The building presents a four-storey tenement to George IV Bridge. The application property has its own access from the main street of George IV Bridge and internal stairs providing access from the main street. On the George IV Bridge Street level there are two restaurants and a shop. On the second and third floors there are residential properties.

George IV Bridge is a key thoroughfare served by public transport routes and benefiting from significant footfall. There are a mix of uses on the street including residential, offices, cultural, retail, restaurants, and public houses.

The application property is a category B listed building (LB 30110, 19/12/1979).

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

### **Description of the Proposal**

The application is for alterations and change of use from language school/office to form seven serviced apartments to be operated and managed as one business. The proposal is to remove 1970s internal partitions and install new floors, ceilings, and internal fittings to create each serviced apartment. Secondary glazing will be added to existing windows and sash and case frames will be retained and restored. A discreet sign will replace the existing signage above the entrance door. Two louvred extract vent outlets will be added to the rear elevation.

### **Supporting Information**

Design and Access Statement (amended).

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

23/01034/LBC

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Transport

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



## Publicity and Public Engagement

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

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

**Press Publication Date(s):** 24 March 2023

**Site Notices Date(s):** 21 March 2023

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## Assessment

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

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

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

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

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

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

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

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

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

Two new louvred extract vent outlets will be installed at the rear (west) elevation. These will be minor alterations and finished in a light grey colour and are acceptable.

Secondary glazing will be installed to the interior of all windows. This is acceptable as the existing sash and case frames will be retained.

A new discreet signage plaque will replace the existing sign above the front entrance door.

These proposals will not have an adverse impact on or cause harm to the listed building. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

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

The proposal harms neither the listed building nor its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

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

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

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

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

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

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

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. 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. There are several policies in the Edinburgh Local Development Plan (LDP) that are equivalent to 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 Building, Conservation Area and World Heritage Site

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

## Proposed Use

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposal will have a neutral impact in terms of NPF 4 Policy 1.

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

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

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

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

## *Amenity*

The applicant has submitted a design and access statement which states that George IV Bridge is a major tourist destination. It confirms that at ground floor level along the length of the street there are restaurants, cafes, and bars with some retail units. It also states that there are existing serviced apartments operating in the vicinity of the application site.

The application property has its own main door entrance leading to a hallway and stairs rising up to first floor level from George IV Bridge. There is no garden ground to the front and rear. The character of George IV Bridge is a busy thoroughfare, with considerable pedestrian footfall and vehicular traffic passing along the street. The application site is located directly above two restaurants and a shop and is in close proximity to a range of leisure and night-time uses. These neighbouring uses generate high ambient noise levels in the street during the daytime and night-time, which occupants of the upper flats on the second and third floors of the building are currently exposed to.

The proposed STLs would not give rise to significant additional noise nuisance to the occupants of the upper flats over and above the existing ambient noise levels which the occupants already experience from the surrounding uses.

In these circumstances the STL use is acceptable, and the proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

### *Loss of residential accommodation*

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

The property is currently a language school/office. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

### Transport

The proposed site is within the scope of the operational Edinburgh Tram and a tram contribution is being sought based on the proposed 7-bed development (£13,000) and the existing 300 square metres office (£9,410) in Zone 3 for the proposed works. It is recommended that a contribution of £3,590 be secured through a legal agreement.

There is no off-street car parking available within the site and this is acceptable as the application property is in the city centre where car use is discouraged. The site is highly accessible by public transport. There are no cycle parking standards for STLs. The design statement states that there is no available space within the building for bicycle storage. The proposals comply with LDP policies Tra 2 and Tra 3.

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

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e).

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

## Public representations

A summary of the representations is provided below:

### *non-material considerations- in support*

- The applicant is addressing potential anti-social behaviour. This is a Police Scotland matter.

## **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 and appearance of the Conservation Area.

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

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

The recommendation is subject to the following;

### **Conditions**

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

### **Reasons:-**

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

### **Informatives**

It should be noted that:

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

These matters are:

Transport: The applicant will be required to make a tram contribution to the sum of £3,590.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood showing cycling, walking and public transport routes to key local facilities, timetables for local public transport.

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

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

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

**Date Registered: 14 March 2023**

### **Drawing Numbers/Scheme**

01-08

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](mailto:lesley.porteous@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

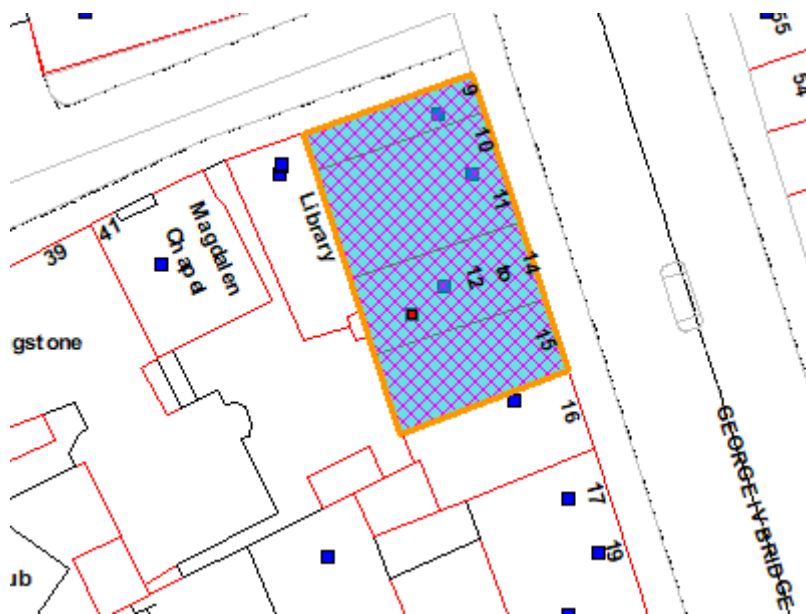
NAME: Transport

COMMENT: No objections to the application to conditions and informatives.

DATE: 14 April 2023

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 6 September 2023**

**Application for Planning Permission STL  
BF 6A Huntly Street, Edinburgh, EH3 5HB.**

**Proposal: Retrospective change of use of one bedroom basement residential apartment to short-term let apartment (Sui Generis).**

**Item – Local Delegated Decision  
Application Number – 23/01424/FULSTL  
Ward – B05 - Inverleith**

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

The application has been referred to the Development Management Sub-Committee because the application has attracted a petition in support with more than 20 signatures. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

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

## **SECTION A – Application Background**

### **Site Description**

The application site is a one-bedroom basement flat at 6A Huntly Street, Canonmills. There are technically two accesses to the property. The first is from the front door on Huntly Street accessed via a shared basement corridor and internal door. However, this is no longer used by guests as the internal door has been blocked. The second access, which is in use, is via a rear entrance door, through a shared rear garden area and steps leading from a lockable gate on Canon Lane. The application property is located at the basement level of a four storey tenement. It shares the basement level with another residential unit which has its aspect to the front of the building. The size of the property is 49 square metres.

Huntly Street has a mix of uses including residential and commercial. Public transport links are easily accessible from the site.

The application property is part of a category B listed building, LB 29126. dated 25/11/1965.

The site lies within the New Town Conservation Area.

### **Description of the Proposal**

The application is for a change of use from residential to short term let. No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since June 2022. Therefore, the application is retrospective.

### **Supporting Information**

Supporting Planning Statement.

### **Relevant Site History**

18/03100/LBC

BF

6A Huntly Street

Edinburgh

EH3 5HB

Remove existing window and extend opening to form new door to rear of property

Granted

7 August 2018

18/09538/LBC

BF

6A Huntly Street

Edinburgh

EH3 5HB

Remove existing window and extend opening to form larger window to rear of property.  
Form openings within internal masonry walls.

Refused

19 December 2018

### **Other Relevant Site History**

Pending planning enforcement investigation in relation to the unauthorised use of the property as a short term let (reference 22/00754/ESHORT).

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 5 April 2023

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

**Press Publication Date(s):** 14 April 2023

**Site Notices Date(s):** 11 April 2023

**Number of Contributors:** 15

## **Section B - Assessment**

### **Determining Issues**

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

- a) Is there a strong presumption against granting planning permission due to the proposals:
  - (i) harming the listed building or its setting? or
  - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

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

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

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

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

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

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

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

The proposal 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.

### **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.

As stated previously, there are no external changes proposed. The change of use from residential premises to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

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

The proposals are acceptable with regard to Sections 59 and 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 and Conservation Area

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

## Proposed Use

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

NPF 4 Policy 30 seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (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 application property shares its access to the street (Canon Lane) with other properties in the block via a communal rear garden area. This access also passes the rear windows of a residential property of the neighbouring block.

The applicant has submitted a planning statement to address the NPF 4 policies. The statement describes the application property as located in a mixed use area with uses that function late into the night. The statement also suggests that as the size of the property is small (49 square metres) it could not accommodate large numbers of guests.

The surrounding area of the application site is mixed and includes residential properties. There are shops which would only be operating during the day. The use of the property as an STL would introduce an increased frequency of movement to the property and the rear shared garden area which provides primary access to the property. The proposed one bedroom STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. There could also be a negative impact on community cohesion and sense of place.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbance, further impacting on neighbouring amenity. However, this would be of lesser impact as it is likely that servicing would be conducted during the daytime.

The potential for noise to be generated as described, would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have a significantly detrimental effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

#### *Loss of residential accommodation*

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

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

The applicant's planning statement suggests that as the size of the property is only 49 square metres, this does not offer adequate space to provide for full time residential use. It submits that the STL provides valuable tourist accommodation as well as generating business for local shops and services and this use is a more efficient use of the property.

The current lawful use of the property is for residential accommodation. Consequently, the use of the property as an STL would therefore result in a loss of residential accommodation, regardless of its size, which given the recognised need and demand for housing in Edinburgh is important to retain, where appropriate.

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

#### Parking Standards

There is no off street car parking available within the site. The site is accessible by public transport. There is no cycle parking standard for STLs. Bikes could be parked within the property if required. The proposals comply with LDP policies Tra 2 and Tra 3.

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

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Independent economic impact assessment

An independent economic impact assessment was commissioned by the Planning Service, and this resulted in a report on the Economic Impact of Residential and Short-Term Let Properties in Edinburgh (the Economic Report). This was reported to Planning Committee on 14 June 2023. The Committee noted that the findings of the report are one source of information that can be considered when assessing the economic impacts of short-term let planning applications and that given the report is considering generalities rather than the specifics of an individual case, it is likely that only limited weight can be attached to it as a material consideration when making planning application decisions. The study considered the economic impact of various types of properties in Edinburgh if used as a residential property as opposed to being used for short-term holiday lettings.

The Economic Report shows that there are positive economic impacts from the use of properties for both residential use and short-term let use. The Report found that in general the gross value added (GVA) effects are greater for residential uses than short-term lets across all property types and all areas. However, given it is considering generalities rather than the specifics of this individual case, only limited weight can be attached to it as a material consideration in the determination of this application.

Public representations

A summary of the representations is provided below:

15 contributors: 13 objections and one in support.  
One petition with 21 signatures in support of application.



#### *material considerations – objections*

- Negative impact on residential amenity. Addressed in c) above.
- Negative impact on housing stock. Addressed in c) above.
- Contrary to NPF 4 Policy 30(e). Addressed in c) above.
- Contrary to LDP Policy Hou 7. Addressed in c) above.
- Rear garden is shared and not private. Addressed in c) above.
- Parking problems. Addressed in c) above.

#### *non-material considerations – objections*

- Will increase litter problems. The applicant should agree a waste strategy with CEC Waste Services.
- Encourages anti-social behaviour. This is a Policy Scotland matter and not a planning consideration.
- Too many STLs in the area. This application has to be considered on its individual merits.
- Loss in value of nearby properties. This is not a material planning consideration.

#### *material considerations – support*

- Will boost local economy. Addressed in c) above.
- No detrimental impact on residential amenity. Addressed in c) above.
- No complaints have been lodged. Addressed in d) above.

#### *non-material considerations – support*

- The STL use is well run. This is assessed through the licensing scheme and not planning.

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

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Reason for Refusal: -

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property is not justified.

### Background Reading/External References

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

**Further Information - Local Development Plan**

**Date Registered: 30 March 2023**

### Drawing Numbers/Scheme

01

Scheme 1

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

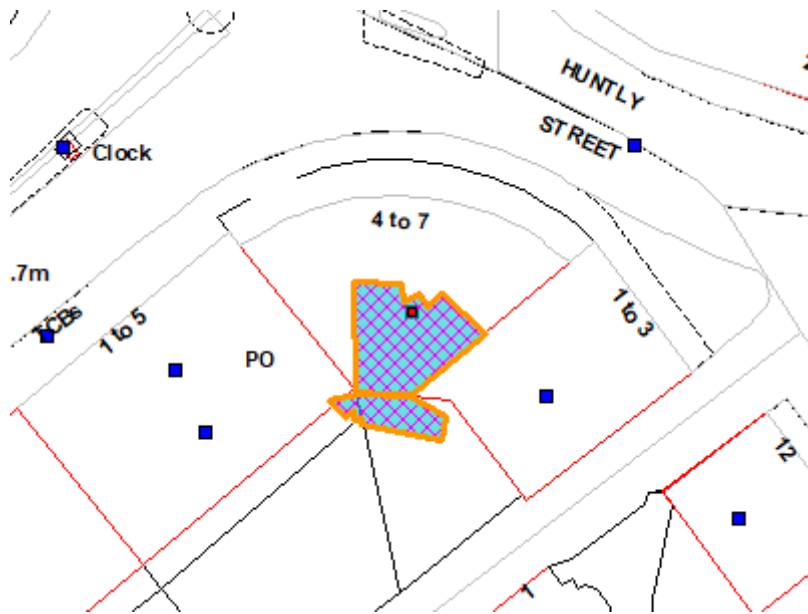
Contact: Lesley Porteous, Planning Officer  
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

**Summary of Consultation Responses**

No consultations undertaken.

**Location Plan**



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## Development Management Sub Committee

report returning to Committee - Wednesday 6 September 2023

### **Application for Planning Permission 21/03992/FUL At 14 - 17 Atholl Crescent, Edinburgh, EH3 8HA Change of Use from office to form 34x residential units with associated works (as amended).**

Item number

Report number

Wards

B11 - City Centre

### **Recommendations**

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

### **Background information**

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This application was granted at the Development Management Sub-Committee on February 8th 2023 subject to completion of a Legal Agreement to secure contributions towards education infrastructure a commuted sum related to the provision of off-site affordable housing as well as planning conditions and informatives.

The legal agreement has now been concluded. The application is returned to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023. NPF4 is now part of the development plan against which development proposals should be assessed.

### **Main report**

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#### National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policy 1, 2, 3, 7, 9, 12, 13, 14, 15, 16, 18, 19, 20 and 22 and are grouped together under the themes of principle, local living and quality homes and infrastructure, biodiversity and blue/green infrastructure.

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

### Principle

Policy 2 Climate Mitigation and Adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. Policy 9 supports the sustainable reuse of brownfield land. The development proposal is for the reuse of an existing developed site to provide homes. This will limit the carbon footprint of the proposed development and complies with the principles of these policies.

Therefore, the proposal is still acceptable in principle.

### Historic Environment

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

Policy 7d relating to development in conservation areas is also similar to the superseded LDP policy which was assessed in detail in the Report of Handling and previously presented to Committee.

Policy 7i relates to development which has the potential to affect a World Heritage Site. This is similar to the superseded policy in the LDP. The proposal includes limited change to the external appearance of the building. The formal Georgian appearance of the building will be enhanced through the removal of bars on basement windows and the reinstatement of a door on the principal elevation. Important original windows or retained on the ground floor in line with comments made by HES and replacement windows on upper levels will replicate the materials, appearance and method of opening of all current windows.

The proposal will not detract from the special architectural and historic interest of the adjacent and nearby listed buildings nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will not have a detrimental impact on the New Town Conservation Area and conforms with section 64 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal will not have a negative impact on the Outstanding Universal Value of the World Heritage Site.

The proposal complies with policy 7.

### Local Living, Quality Homes and Infrastructure

In line with Policy 12a, plans show a bin store to the rear of the site for a range of waste streams and the applicant will arrange for a private waste collection for units within the existing townhouse buildings until street bin hubs are provided. Waste arrangements will be finalised with the Council's waste services.

In line with Policy 13 relating to sustainable transport, the proposal will reduce the level of car parking on site, provides electric charging for cars and will provide cycle parking for both standard and non-standard bikes. The proposal also includes a bike maintenance area.

Policy 14 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, and proposes limited external change to an important listed building. The application site is located within the city centre with the residential use contributing to the vitality of the area.

Policy 16c supports developments for new homes that improve affordability and choice by being adaptable to change and diverse needs, such as accessible, adaptable and wheelchair accessible homes and affordable homes. This matter was addressed in some detail within the Report of Handling and in the subsequent consideration of the scheme by the Committee on February 8th 2023. This includes consideration that:

- All 34 units have been designed in line with Building Standards to allow for future adaptation for unassisted living
- level access is provided at 9 of 34 units (26 %). This includes two basement level flats within the Atholl Crescent townhouses
- A further four units (12 %) have been designed to allow future installation of stairlifts. This includes two units within the mews building and two units within the Atholl Crescent townhouses.
- Four of the units can be accessed via a limited number of steps (ranging from 3- 5 steps) and are therefore appropriate for ambulant disabled users.

With reference to the figures outlined above, 50% of the proposed units are either fully accessible or can be adapted for users with disabilities. A balanced range of unit sizes is proposed. Ground floor units will have access to private gardens and are suitable for growing families, 65% of the units are dual aspect and 47% of units exceed 91 square metres and would therefore meet a range of housing needs.

Policy 16e states that Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply.

The applicant has engaged in an open book exercise as part of the assessment of the application. This outlines an average development cost of £284,000 per unit. The costs outlined by the applicant have been considered by the Council's Affordable Housing Team and have also been assessed and verified by an independent Quantity Surveyor and the Valuation Office Agency. Based on this information, Affordable Housing has advised that the development cost per unit would be significantly over the budget of a Registered Social Landlord. For this reason the provision of on-site affordable housing is not feasible in this case.

The applicant has agreed to the payment of a commuted sum totalling £717,502, secured through a Section 75 Legal Agreement. The applicant has now entered into a legal agreement with the Council which includes a commitment to pay the above sum in four phases contingent on the completion of residential units. This sum will be used to support the provision of affordable housing within the city.

Policy 16f sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It supports development within existing settlement boundaries and which promotes 20 minute neighbourhoods, as supported by policy 15. The proposed development is within an established residential part of a mixed use area of the city and is within walking distance of facilities such as shops and public transport. The proposal is consistent with the spatial strategy within the Local Development Plan in the urban area and is, therefore, acceptable

The proposal complies with policy 16.

Policy 18b states 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. In order to mitigate the impact of the residential development on education infrastructure, the applicant has entered into a legal agreement with the Council which requires the payment of £32,672 to support the provision of additional school capacity.

#### Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Policy 20b also supports development proposals for or incorporating new or enhanced blue and/or green infrastructure. In this instance the proposal relates to a constrained city centre site with no greenspace. The proposal will reduce the level of hardstanding on site, introducing small garden areas to the rear. The proposal does not conflict with Policy 3.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposed scheme relates to the conversion of a listed building. However, the building warrant process will ensure the proposed development complies with relevant energy standards.

Policy 22 relates to flood risk and water management. As the proposal does not propose the physical extension of any building and is not within an identified area a flood risk, no Flood Risk Assessment or Surface Water Management Plan is required. The proposal does not conflict with Policy 22.

#### Other Material Considerations

There are no new material considerations arising from those previously considered on 8 February 2023 by this Committee. The required legal agreement has been concluded. It is, therefore, recommended that the application is granted.

## **Links**

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A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=QWORJEEWFNY00>

Or Council Papers online

David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer  
E-mail:christopher.sillick@edinburgh.gov.uk





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## Development Management Sub Committee

report returning to Committee - Wednesday 6 September 2023

**Application for Planning Permission 22/01654/FUL at 27 & 29 Beaverhall Road, Edinburgh, EH7 4JE. Demolition of existing buildings and erection of mixed-use development comprising residential and other commercial uses, with associated private amenity and open space, landscaping /public realm, car parking, access arrangements, and associated infrastructure (205 units) (as amended).**

**Item number**

**Report number**

**Wards**

B12 - Leith Walk

### Recommendations

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

### Background information

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On 9 November 2022 and 10 May 2023 the Development Management Sub Committee resolved to grant planning permission subject to the conclusion of a legal agreement for developer contributions for education infrastructure of £645,750 and the delivery of 52 Affordable Housing units (25%).

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.

## Main report

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### 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 £645,750 and the delivery of 52 Affordable Housing units (25%) homes are required. A legal agreement is necessary to secure the developer contributions.

The draft terms of the legal agreement are close to agreement and there are no outstanding matters to be concluded other than signing. It is recommended that an extension of three months is given to conclude the legal agreement.

### Links

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A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=R9LMT2EWGOJ00>

Or Council Papers online

David Givan  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer  
E-mail: [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk)