

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 20th September, 2023

Dean of Guild Court Room - City Chambers

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

Contacts

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1. Order of business

- 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 18th September** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

- 3.1 Minutes of Previous Meeting of Development Management Sub-Committee of 6th September 2023 – submitted for approval as a 9 - 12

correct record

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

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

Pre-Applications

- 4.1** Report for forthcoming application by Breedon Trading Ltd & Brewster Brothers Ltd. for Proposal of Application Notice at Bonnington Mains Quarry, Cliftonhall Road, Newbridge - Development of Bonnington Mains Quarry, including south-westerly extension of quarry, erection of materials recycling plant, phased infill of the quarry void and restoration of the site - application no. 23/03429/PAN - Report by the Chief Planning Officer 13 - 20

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

- 4.2** Report for forthcoming application by Dalton Metal Recycling for Proposal of Application Notice at 52 - 66 Salamander Street, South Leith, Edinburgh - Proposed mixed use development comprising purpose built student accommodation, residential (build to rent), retail/commercial space and associated works - application no. 23/03571/PAN - Report by the Chief Planning Officer 21 - 28

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

- 4.3** Report for forthcoming application by West Craigs Ltd. & Wheatley Homes East for Proposal of Application Notice at Meadowfield Farm, 15 Turnhouse Road, Edinburgh (at Land 175 Metres Southeast of) - Extension to consented Maybury Primary School, nursery, and health centre, including access arrangements, realignment of road network, active travel routes, infrastructure works, SuDS and landscaping - application no. 23/03438/PAN - Report by the Chief Planning Officer 29 - 38

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

Applications

- 4.4** 14 Ashley Place, Edinburgh, EH6 5PX - Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL - Report by the Chief Planning Officer 39 - 62

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

- 4.5** 1,3 and 5 Baronscourt Road, Edinburgh, EH8 7ET - Demolition of existing commercial units and replacing with a residential unit containing 19 apartments (as amended) - application no. 21/03101/FUL - Report by the Chief Planning Officer 63 - 88

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

- 4.6** 21 Calder Road, Edinburgh, EH11 3PF - Change of use to form Class 10 primary education centre, including forming new vehicular access - application no. 23/00933/FUL - Report by the Chief Planning Officer 89 - 98

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

- 4.7** 113A Grove Street, Edinburgh, EH3 8AB - Change of use to short-term holiday let accommodation (in retrospect) for 3 months (June-August) of every calendar year. (Resubmission related to 23/01275/FULSTL) - application no. 23/03307/FULSTL - Report by the Chief Planning Officer 99 - 108

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

- 4.8** Wester Hailes Education Centre, 5 Murrayburn Drive, Edinburgh - 109 - 126
Erection of Secondary School building with associated hard and soft landscaping and car-parking - application no. 23/01308/FUL - Report by the Chief Planning Officer

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

5. Returning Applications

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

- 5.1** Salamander Street/Bath Road, Edinburgh, EH6 7JZ - Demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works - application no. 21/01163/PPP - Report by the Chief Planning Officer 127 - 128

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

6. Applications for Hearing

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

- 6.1** None.

7. Applications for Detailed Presentation

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

presentation and discussion on each item.

- 7.1 11A James' Court, 493 Lawnmarket, Edinburgh - Proposed refurbishment of and extension to the existing retail /store unit - application no. 23/00491/FUL - Report by the Chief Planning Officer 129 - 140

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

8. Returning Applications Following Site Visit

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

- 8.1 None.

Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, email jamie.macrae@edinburgh.gov.uk / joanna.pawlikowska@edinburgh.gov.uk.

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 6 September 2023

Present:

Councillors Osler (Convener), Bennett (substituting for Councillor Beal), Cameron, Gardiner, Mattos-Coelho, Jones, McNeese-Mechan, Mowat, Mumford (substituting for Councillor Booth) and Staniforth.

1. Minutes

Decision

- 1) To approve the minute of the Development Management Sub-Committee of the 21 June 2023 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of the 9 August 2023 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

None.

Declaration of interests

Councillor Mattos-Coelho made a transparency statement in relation to Item 4.1 – Moredunvale Road Amenity Ground, Moredunvale Road, Edinburgh, as she had been contacted by the applicant.

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Proposal of Application Notice at Moredunvale Road Amenity Ground, Moredunvale Road, Edinburgh</p>	<p>New landscaping to improve the overall amenity and biodiversity of the existing open space - application no. 23/02765/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – 24 Canning Street, Edinburgh, EH3 8EG</p>	<p>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</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.3 – 24 Canning Street, Edinburgh, EH3 8EG</p>	<p>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</p>	<p>To GRANT listed building consent subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – 12 George IV Bridge, Wallace College, Edinburgh</p>	<p>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</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 6A (BF) Huntly Street, Edinburgh, EH3 5HB</p>	<p>Retrospective change of use of one bedroom basement residential apartment to short-term let apartment (Sui Generis) – application no. 23/01424/FULSTL</p>	<p>WITHDRAWN at the applicant's request.</p>
<p>5.1 - 14-17 Atholl Crescent Edinburgh, EH3 8HA</p>	<p>Change of Use from office to form 34x residential units with associated works (as amended) – application no. 21/03992/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and a legal agreement and NPF4 considerations as set out in the report by the Chief Planning Officer.</p>
<p>5.2 - 27 & 29 Beaverhall Road, Edinburgh, EH7 4JE</p>	<p>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</p>	<p>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>

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Development Management Sub Committee

Wednesday 20 September 2023

Report for forthcoming application by

**Breedon Trading Ltd & Brewster Brothers Ltd. for
Proposal of Application Notice**

23/03429/PAN

**at Bonnington Mains Quarry, Cliftonhall Road, Newbridge
Development of Bonnington Mains Quarry, including
south-westerly extension of quarry, erection of materials
recycling plant, phased infill of the quarry void and
restoration of the site.**

Item number

Report number

Wards

B02 - Pentland Hills

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for the south-westerly extension of the Bonnington Mains Quarry, erection of a materials recycling plant, phased infill of the quarry void and restoration of the site. The proposal will be in the form of a major detailed planning application.

In accordance with the provisions of the Town and Country Planning Act (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice: 23/03429/PAN on 1 August 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site is located to the east of Cliftonhall Road (B7030), to the south of Newbridge. The site is a field currently in agricultural use along with the Bonnington Quarry. The surrounding land is generally within agricultural use.

2.2 Site History

The site has an extensive planning history the full details of which can be viewed on the City Council's planning portal online.

Recent planning history includes the following:

21 June 2023 - Planning permission granted for the development of field for ancillary quarrying operations - application reference 22/02513/FUL

23 June 2023 - Planning permission granted for the extraction of Quartz-Dolerite and erection of plan and ancillary structure (Section 42 Application to vary conditions 2, 13, 15, 16 and 18 of Planning Permission 17/05930/FUL) - application reference 22/02514/FUL

23 February 2023 - Environmental Impact Assessment Scoping Opinion issued for development of field for ancillary quarrying operations - application reference 22/00035/SCO

10 January 2022 - Pre-application Consultation approved for development of field located west of Bonnington Mains Quarry for ancillary quarry operations including formation of Screening Bund and Overburden Storage, Water Settlement Ponds, construction of Workshop and Aggregate Storage Sheds, Aggregate Processing and Storage Area and formation of Carpark and Weighbridge - application reference 21/06730/PAN

Main report

3.1 Description of the Proposal

The forthcoming application will be a full planning application for the south-westerly extension of Bonnington Mains Quarry, erection of a Materials Recycling Plant, phased infill of the quarry void and restoration of the site.

3.2 Key Issues

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

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

The site is identified as being within the countryside within the Edinburgh Local Development Plan. The Quarry part of the site is also covered by Policy RS5 Minerals which supports the extraction of minerals. Any application will need to demonstrate the requirement for a countryside location.

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 design, scale and layout are acceptable within the character of the area; and does the proposal comply with relevant design policies of the Local Development Plan and National Planning Framework 4.

The applicant will be required to comply with relevant design policies as well as guidance where applicable e.g., Edinburgh Design Guidance. A design and access statement will be required to support the application as will visual impact information. A number of key viewpoints will require to be identified and assessed.

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

The proposal shall have regards to LDP transport policies and Edinburgh Street Design Guidance. The applicant will be required to provide transport information to demonstrate how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision.

d) There are any other environmental factors that require consideration

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Sustainability Form S1;
- Soil Information
- Transport Information;
- Ecology information;
- Waste management information;
- Flooding risk and drainage information and
- Noise/air quality information.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public exhibitions: one on Monday 28th August and the other on 2nd October between 16.00 to 20.00 at the Ratho Community Centre.

The Proposal of Application Notice was sent to ward councillors for the Pentland Hills area including Councillor Graeme Bruce, Councillor Neil Gardiner, Councillor Fiona Glasgow and Councillor Stephen Jenkinson.

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

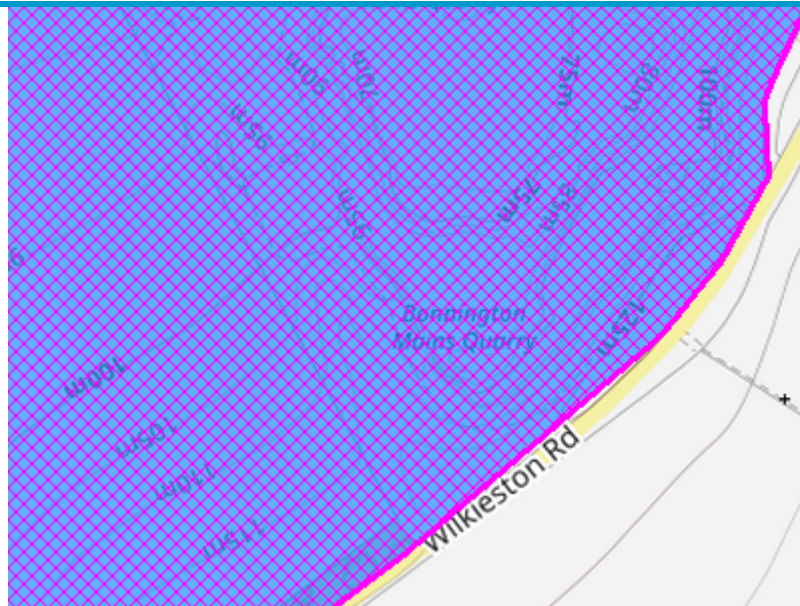
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
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Location Plan



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Development Management Sub Committee

Wednesday 20 September 2023

Report for forthcoming application by

Dalton Metal Recycling. for Proposal of Application Notice

23/03571/PAN

**at 52 - 66 Salamander Street, South Leith, Edinburgh
Proposed mixed use development comprising purpose
built student accommodation, residential (build to rent),
retail/commercial space and associated works.**

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application for a mixed use development comprising purpose built student accommodation, residential (build to rent), retail/commercial space and associated works at 52-56 Salamander Street, Edinburgh. The application will be a national development.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/03571/PAN on 7th August 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site comprises an existing scrapyards/metal recycling premises on the south side of Salamander Street. The site has an area of approximately 0.5 hectares. There is an existing building in the south east part of the site and a smaller one to the south. Salamander Place borders the site to the west.

To the west are existing residential flatted blocks with commercial premises below. A residential development lies opposite these, to the west of Bath Road, which is currently under construction. Directly to the south is an existing residential flatted development which wraps around the site to the east. Beyond this is a large self storage building which is set back from the front of Salamander Street. Further to the south is 'The Ropeworks', a recently constructed mainly residential development. On the opposite side of Salamander Street is a public house and industrial/commercial premises and commercial/industrial premises beyond.

2.2 Site History

Site history

10th August 2017 Certificate of Lawfulness (existing) granted for use of the land for recycling (application number 17/02635/CLE).

14th February 2018 permission was granted to demolish existing 3m high stone wall and install a 2.4m high security fence (application number 17/05874/FUL)

History of neighbouring sites:

12 May 2017 - Planning permission was granted in principle for a residential development and commercial development (Class 1 (Retail), Class 2 (Financial, Professional and other services), Class 3 (Food and Drink), Class 4 (Business)), open space including extension to the allotment facility, and all ancillary development at the Ropeworks to the south of the application site. (Application number 16/03356/PPP) subject to a legal agreement and conditions.

There have been a number of subsequent AMC approvals following on from this PPP consent.

5 July 2019 - Planning permission was granted to reinstate the tenement to form five flats and an extension to public house (as amended) at 2 Bath Road (application number 19/02156/FUL).

5 August 2019 - Planning permission was granted for a flatted development of 212 flats and ground floor commercial units and associated works to the west at 1 Bath Road (application number 18/08206/FUL).

6 August 2021 - Planning application was granted for a proposed mixed use development comprising purpose built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure at the site of the former Edinburgh and Leith Gasworks at 1-5 Baltic Street and 7-27 Constitution Street (application number 20/00465/FUL). Accompanying Listed Building and Conservation area applications were also granted.

22 September 2021 - Planning application was granted for a residential development and associated works on the nearby site to the north west of the site at 57 Tower Street and 1 Bath Road (application number 20/01313/FUL).

7 June 2023 - Planning permission was minded to grant (subject to conclusion of a s75 legal agreement) in principle for demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works (as amended scheme 3) at Bath Road/Salamander Street (application number 21/01163/PPP).

21 June 2023 - Planning permission was minded to grant for 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended) at 124 Salamander Street and 1 - 3 Salamander Yards (application number 22/03430/FUL).

23 August 2023 - Planning permission was granted for a new build development comprising three residential flats and ground floor extension to public house (as amended) at 2 Bath Road (application number 23/00040/FUL).

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for the demolition of existing buildings, and a mixed use development comprising purpose built student accommodation, residential (build to rent), retail/commercial space and associated works.

No details have been submitted regarding number of units, commercial or other uses, access, design or any other aspect of the proposal.

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 Edinburgh Local Development Plan (LDP) allocates the site as within the Edinburgh Waterfront. The site is in 'East of Salamander Place', in an area of housing-led mixed use development sites (Proposal EW1c).

The proposed uses will need to be assessed against relevant Local Development Plan policies, NPF4 policies and non statutory guidance, including the Student Housing Guidance 2016. National Planning Framework 4 (NPF4) now forms part of the Development Plan. Policies in relation to Sustainable Places and Liveable Places, including those in relation to 20-minute neighbourhoods, climate change and biodiversity, blue and green infrastructure, and sustainable transport, will be important cross-cutting policy considerations.

The Salamander Place Development Brief (April 2007) covers the site. It sets out planning and design principles to guide development. The site is shown as houses, flats and small business unit use, with strong street frontages. The boundary of the Leith Docks Development Framework (February 2005) lies to the north of the site. The aim of the framework in terms of uses in the area, is to 'create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.'

A route is safeguarded for cycleway/public transport along Salamander Street.

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 design, scale and layout are acceptable within the character of the area and wider regeneration;

The proposal will be considered against the provisions of the Edinburgh Local Development Plan, NPF4, Edinburgh Design Guidance, the Salamander Place Development Brief and its coordination with the nearby Leith Docks Development Framework. The LDP policy Del 3 Edinburgh Waterfront, requires new development in principle to be comprehensively designed which maximises the development potential of the area, makes provision for a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods, provides a mix of house types, sizes and affordability, makes provision for open space, makes provision of local retail facilities, and leisure and tourism attractions, and provides transport measures as agreed with the Council.

The applicant should clearly demonstrate how the proposed design has considered NPF4 policies, the Council's policies and guidance. The applicant will need to demonstrate a high quality design and the suitability of the proposed layout, height and massing, and scale of the proposed development. Sustainability measures and the proposal's consideration of NPF4 themes including climate change, quality homes and the six qualities of successful places will have to be clearly addressed.

A Design and Access Statement will be provided with the application.

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

The proposals should have regard to the Salamander Place Development Brief, the Council's parking standards, LDP transport policies and the requirements of the Edinburgh Street Design Guidance. Permeability through the site will be an important consideration, as well as provision of links to the surrounding area. The proposal will be assessed against NPF4 policy 13 (sustainable transport) and LDP policies Tra 2 (private car parking), Tra 3 (private cycle parking) and Tra 4 (Design of off street car and cycle parking).

Transport information will be required to support the application to assess the effect of the proposal on local roads and the accessibility of the site, including active travel and cycle infrastructure.

d) 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 a good level of amenity can be achieved for future occupants of the site.

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

The applicant will be required to demonstrate that the site is capable of accommodating the development and that there is sufficient infrastructure capacity.

The proposal will be assessed in line with the Finalised Supplementary Guidance on Developer Contributions on Infrastructure Delivery and the relevant Development Plan provisions.

Preservation of the site's industrial heritage is a key archaeological concern, and an archaeological assessment must be submitted.

The site is located within the Salamander Street Air Quality Management Area (AQMA) and is near to the Great Junction Street AQMA; an Air Quality Assessment will be required.

There are a number of potential noise sources within the vicinity of the site. A Noise Impact Assessment must be submitted to address all these noise sources. An odour/fumes survey should be submitted to address potential odour issues.

The application will need to be screened for an Environmental Impact Assessment (EIA) including the cumulative impact of the proposals.

In order to support the application/s, submission of the following documents is anticipated:

- Planning Statement;
- Design and Access Statement;
- Crime Impact Statement;
- Ecological Appraisal and Biodiversity Impact Assessment;
- Energy Statement;
- Flood Risk and Drainage Impact Assessment;
- Geo-environmental Risk Assessment;
- Statement of Community Benefit;
- Noise Impact Assessment;
- Air Quality Assessment;
- Archaeological Assessment;
- Transport Assessment;
- Travel Plan;
- Student and College Demand Assessment;
- Embedded carbon statement;
- Odour survey.

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 23/03571/PAN) outlined the following pre-application consultation:

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- Publication in the Edinburgh evening News dated 13th September 2023 and 11th October 2023; and
 - two consultation events at Leith library. The first to take place 20th September 3pm-7pm and the second on 18th October 2023 3pm to 7pm.
-

A dedicated website will be created for the presentation of consultation material and will provide further opportunity for feedback.

The applicant notes in the PAN application that Leith Harbour and Newhaven Community Council and Leith Links Community Council received notification of the PAN on 7th August 2023. The applicant further advises that the following ward councillors were notified of the PAN on 7th August 2023: Councillor Adam McVey, Councillor Chas Booth, and Councillor Katrina Faccenda. MSP Ben Macpherson and MSP Deidre Brock were also notified on 7th August 2023.

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

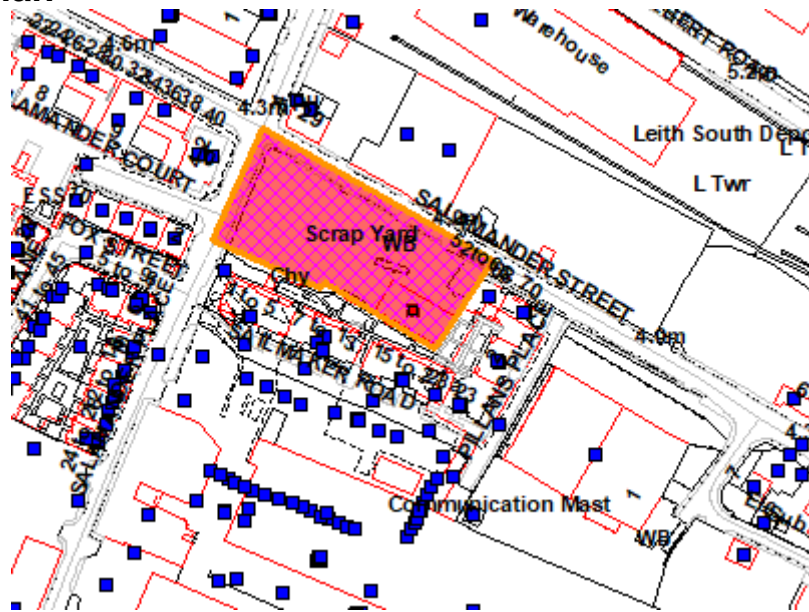
Background reading/external references

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

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Location Plan



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Development Management Sub Committee

Wednesday 20 September 2023

Report for forthcoming application by

West Craigs Ltd. & Wheatley Homes East. for Proposal of Application Notice

23/03438/PAN

at land 175 metres southeast of Meadowfield Farm,15 Turnhouse Road, Edinburgh.

Extension to consented Maybury Primary School, nursery, and health centre, including access arrangements, realignment of road network, active travel routes, infrastructure works, SuDS and landscaping.

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for an extension to the consented Maybury Primary School, nursery, and health centre, including access arrangements, realignment of road network, active travel routes, infrastructure works, SuDS and landscaping. The proposal will be in the form of a planning permission in principle for major development.

In accordance with the provisions of the Town and Country Planning Act (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice: 23/03438/PAN on 28 July 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The application site lies to the south side of Turnhouse Road and is in part currently under development for a primary school development and surrounding landscaping and infrastructure associated with a housing-led major development in this part of the city. Existing features within the red line plan include vacant cottages associated with the former Meadowfield Farm and part of Meadowfield Farm Lane are located within the northwest of the site boundary. Housing, landscaping, and other infrastructure under construction is to the south, and west of the site as well as across Turnhouse Road to the north. Other existing features in the surrounding area include the vacant SAICA pack facility to the south east and Wet Craigs Industrial Estate to the north east. Existing residential properties are further located along Turnhouse Road to the south east.

The application site and the land surrounding it forms part of the 2016 Edinburgh Local Development Plan site HSG 19 and will undergo significant change in the near future.

2.2 Site History

All of the applications cited below relate to land associated with the identified red line area, its immediate surrounding land, and the wider Local Development Plan site HSG 19:

14 October 2014 - Proposal of Application Notice (PAN) submitted for residential development and ancillary retail (Class 1), Class 2 (300sqm in total) including landscape, access and services and all related ancillary development at site 100 Metres North East Of 19 Turnhouse Road.

15 November 2016 - Proposal of Application Notice submitted for a proposed primary school and nursery development with associated access, play areas, greenspace, landscaping, car parking and other ancillary development at land 175 metres South East of Meadowfield Farm, 15 Turnhouse Road. This notice was considered by Committee on 18 January 2017 (application reference: 16/05719/PAN);

20 April 2017 - Application for Planning Permission in Principle was refused for 'Residential development, up to a maximum of 1400 units, and ancillary commercial (Class 1 retail and Class 2 financial and professional) including landscaping, access and services and all other ancillary development' at Site 100 metres northeast of 19 Turnhouse Road Edinburgh.

In summary the application was refused for reasons including loss of green belt, landscape impact, transport infrastructure delivery, drainage and flood risk, insufficient environmental assessment information and failure to outline a comprehensive design approach (application reference: 16/04738/PPP);

30 November 2018 - Planning Permission in Principle granted for proposed pedestrian and cycle bridge with associated landscaping at land to south west of Meadowfield Farm (application reference: 18/07600/PPP);

26 September 2019 - Appeal against refusal of application 16/04738/PPP was allowed by Scottish Ministers for 'residential development, up to a maximum of 1,400 units, and ancillary commercial (class 1 retail and class 2 financial and professional), including landscaping, access and services and all other ancillary development' at 100 metres north-east of 19 Turnhouse Road, Edinburgh (appeal reference: PPA230-2207);

05 March 2020 - Application for Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP, in respect of condition 6 relating to the former steading area at the site is currently pending consideration (application reference: 20/00929/AMC);

10 February 2020 - Application for Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP, in respect of condition 9 relating to archaeological matters is currently pending consideration (application reference: 20/00649/AMC);

18 March 2020 - Application for Approval of Matters Specified in Conditions of planning permission in principle 18/07600/PPP, in respect of conditions 1, 4, 5 and 6 for a pedestrian and active travel bridge crossing is currently pending consideration (application reference: 20/01148/AMC);

25 May 2020 - An application for Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP in respect of conditions 1, 2, 3, 4 and 5 for a masterplan for the site was approved (application reference: 19/05599/AMC); and

25 May 2020 - An application for Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP, in respect of conditions 6(c), 6(d), 6(e), 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 21 was approved (application reference: 19/05514/AMC).

01 November 2021 - An application for planning permission for a 'New School with adjoining Nursery, Health Centre and Sports Pitch' at land 175 metres southeast of Meadowfield Farm 15 Turnhouse Road Edinburgh was granted (application reference: 21/02158/FUL).

Main report

3.1 Description of the Proposal

The forthcoming application will be for planning permission in principle for an extension to consented Maybury Primary School, nursery and health centre, including access arrangements, realignment of road network, active travel routes, infrastructure works, SuDS and landscaping (Major Development).

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 2016 Edinburgh Local Development Plan (LDP) identifies the application site as being within housing site HSG 19. The site brief for HSG 19 identifies a proposed school in this location and Table 5 of the LDP refers to a new two-hectare school site at this location to support housing growth in the west of Edinburgh. A primary school is under construction at this location to support housing growth in this part of the City in accordance with the LDP.

The application will be required to address how the proposal to extend the school that is under construction accords with the development principles for HSG 19 that are specified in the LDP and also demonstrate compliance with all relevant LDP policies and guidance. National Planning Framework 4 (NPF4) policy 18 (Infrastructure First) puts infrastructure considerations at the heart of place making and any future application would consider this policy. Other NPF4 policy considerations will include those relating to climate change, green-blue infrastructure, biodiversity, local living and 20-minute neighbourhoods, and design, quality and place.

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

As a major planning application, a comprehensive design and access statement will be required to accompany the application.

The proposal will be considered against the provisions of the LDP and the Edinburgh Design Guidance. The proposal will be further considered in the context of the emerging housing-led development in the surrounding area and the applicant will be required to demonstrate how the proposal integrates with the wider HSG 19 site with reference to the site's layout, building orientation and design, landscape design, and access. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, quality homes and the six qualities of successful places will have to be clearly addressed.

c) The proposals will have a detrimental impact on the amenity of neighbours and future occupiers of the surrounding HSG 19 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) Access arrangements are acceptable in terms of road safety and public transport accessibility

The proposal should have regards to transport policy of the Local Development Plan and sustainable transport objectives in NPF4. It is expected that the applicant will provide transport information to demonstrate how the proposal complies with parking standards including service arrangements and cycle parking provision. Information relating to the site layout including any streets or paths, and the potential for road or pedestrian connections from the site to neighbouring roads and active travel routes should be included with the planning application. Consideration should be given to any impact of traffic flows on local roads, with a view to maximising sustainable travel modes including public transport and active travel.

e) There are any other factors that require consideration

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

- Pre-Application Consultation report;
- Planning Statement;
- Design and Access Statement;
- Transport statement;
- Landscape and visual information;
- Archaeological assessment;
- Landscape plan and planting schedule(s).
- Flood risk and drainage information;
- Ecological information;
- Sustainability information;

- Waste management information;
- Ground investigation information;
- Tree and hedge survey information.

The above is not an exhaustive list and the applicant may be required to submit additional information.

Environmental Impact Assessment:

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

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

- A first consultation event to be held on Monday 14th August 2023 - Public Drop-in Event - 15:30-19:30. A second event on a date to be confirmed - Public Drop-In Event 15:30-19:30. Both events are to be held at the Delta Hotel by Marriott Edinburgh, 111 Glasgow Road, Edinburgh, EH12 8NF.

- Newspaper advertisements in the Edinburgh Evening News at least seven days prior to both events.

A copy of the PAN has been sent to Corstorphine Community Council and the following Ward Councillors: Ward 01 (Almond): Cllr Kevin Lang, Cllr Norman Work, Cllr Louise Young, Cllr Lewis Younie; Adjacent Ward 03 (Drum Brae / Gyle): Cllr Euan Hyslop, Cllr Edward Thornley, Cllr Robert Aldridge.

The proposal of application notice was approved subject to the below additional activities:

- Send copy to Ratho & District Community Council (adjoining).
- Arrange for leaflets/posters advertising the public events to be distributed to neighbouring properties/public areas.
- Send details re the PAN to local constituency MP & MSPs.
- Confirm date of second event.

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

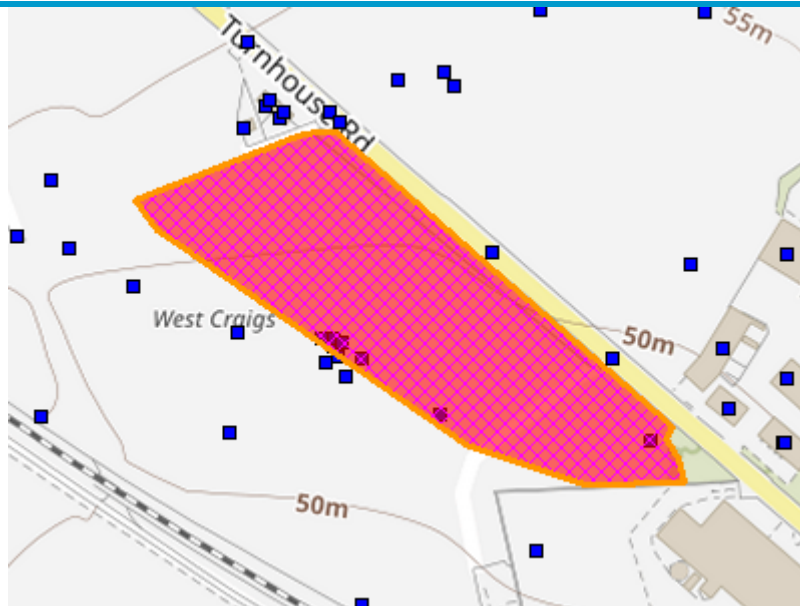
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Location Plan



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Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission
14 Ashley Place, Edinburgh, EH6 5PX**

Proposal: Proposed purpose-built student accommodation with associated infrastructure and landscaping.

**Item – Committee Decision
Application Number – 22/06251/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application is referred to Development Management Sub-Committee as there has been 89 letters of representations including one letter of support and 88 objections to the development proposals. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location.

The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles. The proposal will also make a positive contribution to the range of housing types across the city by providing purpose built student housing in an area with a current low concentration of such housing. The proposed locality is accessible and has a number of active travel connections and public transport in the vicinity. There is also a number of shops and services reinforcing the 20 minute neighbourhood and local level whilst allowing active travel and public transport access to further and higher education locations.

The proposed design is similar in height and scale to that already consented for residential and office development. This design has included more sustainable elements including blue/green infrastructure at roof and ground level.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents. Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation enhancing biodiversity on the site and create a positive setting for the building and enhancing the street scene.

The proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance subject to the recommended conditions. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to a site of 0.24 ha. located in the north of Bonnington and to the east of Newhaven Road. Ashley Place is a cul-de-sac which leads off Newhaven Road in the Bonnington area in the north of Edinburgh.

The site is now vacant and surrounded by a hoarding fence. Previously it contained a two storey brick office building and its associated yard and car parking area.

To the south west, on Ashley Place, there is a terrace of traditional tenemental flats. Further to the east, on Ashley Place, is a six storey brick and render block of modern flats accessed from Tinto Place. There is also four storey red brick flatted blocks newly constructed. There is another large six storey high block of similar flats to the south east. To the north and east there are also low-rise industrial buildings.

The future use of the site is considered by the Bonnington Development Brief which is characterised by light industrial, and business uses typical of the wider area covered in the brief.

Description of the Proposal

Scheme 2

Planning permission is sought for the erection of purpose-built student accommodation including amenity space, associated landscaping and ancillary facilities.

The 'U' shaped building is 4-6 storeys high fronting Ashley Place on two sides with an internal courtyard. There is a small south facing garden fronting onto Ashley Place. The building incorporates a roof terrace with the 5th storey set back from the Ashley Place frontage. The wing of the building overlooking towards the Elizafield Industrial estate is 4 storeys high with a roof garden.

The ground floor layout includes the main entrance, internal amenity space, gym, cycle stores, plant and bin store. The internal amenity space overlooks Ashley Place providing an active frontage to this part of the street.

Accommodation

The student accommodation provides 232 rooms in total. This consists of 55 cluster flats (24%), 164 Studio Rooms (70%) and 13 accessible rooms (6%). The cluster flats each contain 5 bedrooms sharing a kitchen, dining, living area. The amenity areas include a south facing garden 195 sq. m, a 357 sq. courtyard, a 155 sq. m roof terrace - totalling 707 sq. and 252 sq. m internal amenity space.

Materials

Dark and light grey brick is proposed with detailing parallel to the recessed windows and zinc cladding for the 4th and 5th floor set back. Fenestration is full height opening windows in grey as is the metalwork. Concrete entrances are also proposed.

Landscaping

The three main areas of landscaping include the internal courtyard, the roof top terrace and street garden. The courtyard includes seating, three trees, shrubs, ornamental planting grass, and block paving. The roof terrace consists of a sedum green roof, with ornamental planting and a seating area. The street garden is mainly ornamental planting with three trees, seating and outdoor gym bars.

Cycle Parking

232 cycle parking spaces (100%) are provided for students within the ground floor level of the building and within covered cycle parking storage in the courtyard. The bike storage consists of a mix of two tier bike racks with assisted upper bike racks for 93 spaces (40%) and 93 spaces on the lower tier (40%) as well as 46 spaces on Sheffield stands (20%) with a 2 metre separation distance between them for non-standard bikes. There are an additional six spaces for visitor and short stay cycle parking at the main entrance to the building.

Sustainability

The roof terrace and upper roof will act as a blue roof attenuating, storing and filtering rainwater. The two lower roofs would be extensive green roofs. Photovoltaics and air source heat pumps will also be provided at roof level, to provide heating and hot water for the development.

Waste

The existing site is asphalt with no remaining buildings on site for the reuse of materials. A target of 90% of the construction waste will be diverted from landfill and separated into key waste groups. All accommodation will be provided with recyclable waste storage areas and space will be allocated in communal bin stores. Refuse collection will be by a private collection service.

Scheme 1

The initial scheme was for 229 student beds with the entire "U" shaped building all being six storeys in height. The cluster flats had 6 beds per flat. The landscaping quality of the external courtyard and garden was poor, with no blue/green roof infrastructure and less amenity space overall.

Supporting Information

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

- Archaeology Assessment
- Design and Access Statement
- Geo-environmental Assessment
- Noise Impact Assessment
- PAC Report
- Planning statement
- Site Investigation Report
- Surface Water Management Plan and Flood Risk Assessment
- Sustainability Form
- Transport Statement

These documents are available on the Planning Portal.

Relevant Site History

22/04004/PAN

14 Ashley Place

Bonnington

Edinburgh

EH6 5PX

Purpose-built student accommodation with associated infrastructure and landscaping.

Pre-application Consultation approved.

26 August 2022

19/05092/FUL

14 Ashley Place

Edinburgh

EH6 5PX

Demolition of existing building and erection of 65 flatted residential development with associated landscaping, car and cycle parking; formation of pedestrian access from Ashley Place and associated infrastructure.

Granted

15 October 2021

19/03433/PAN

14 Ashley Place

Edinburgh

EH6 5PX

Residential development comprising up to 63 apartments, associated infrastructure and landscaping.

Pre-application Consultation approved.

6 August 2019

14/05208/FUL
14 Ashley Place
Edinburgh
EH6 5PX

The removal of an existing office building and associated storage yard and the erection of 40 Flats (as amended).

Granted

25 May 2017

99/03340/FUL
14 Ashley Place
Edinburgh
EH6 5PX

Use of the ground floor premises as a leisure centre (Class 11) and first floor premises as offices (Class 4) (in retrospect).

Granted

19 January 2000

04/00306/FUL
Bonnington Road Lane/Ashley Drive/Tinto Place
Edinburgh
EH6 5BJ

Proposed mixed development.

Granted

21 February 2006

Other Relevant Site History

Application reference 04/00306/FUL was a mixed use development encompassing Bonnington Road Lane, Ashley Place - including the application site and Tinto Place. The application site was to be a six storey office block around a central courtyard with associated car parking and landscaping. This planning permission has been implemented on neighbouring sites and therefore this permission is extant in relation to the application site.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport Officer

Environmental Protection

Leith Central Community Council

Scottish Water

SEPA

Contaminated Land Officer

Environmental Protection

Nature Scotland

Waste Services

Scottish Water

Archaeology

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 15 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 89

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) Do 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. There are several policies in the Edinburgh Local Development Plan (2016) (LDP) that are equivalent to policies in NPF4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 9, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23.

- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 11.
- LDP Caring for the Environment policies Env 8, Env 9 and Env 16.
- LDP Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1, Hou 8 and Hou 10; and
- LDP Transport policies Tra 1, 2, Tra 3, Tra 4 and Tra 8.

The Action Programme 2023 accompanies the adopted Edinburgh Local Development Plan as it sets out how the Council proposes to implement the LDP. The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design and transport policies and other environment policies listed above. The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8. The Bonnington Development Brief (2008) is also relevant.

Principle

Policy NPF4 Policy 16 lends support for development proposals for new homes, that improve affordability and choice, are adaptable to changing and diverse needs which address identified gaps in the provision, and which includes proposals for student housing.

Within the urban area, LDP Policy Hou 1 part d) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The site has existing planning permission for residential use, which has not yet been implemented. The proposal for residential student flats at this site complies in principle with the requirements of Hou 1 (subject to other policy considerations, notably policy Hou 8).

LDP Policy Hou 8 has two requirements for assessing student accommodation. Part a) specifies that proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Part b) states that development must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

Location of student accommodation

With reference to Hou 8 part a) the sites proximity for walking, cycling using public transport to reach the universities has been assessed below. The site is in the urban area. The transport statement submitted shows the accessibility with the site having 12 bus stops within 400m and several local shops and services. There are also several supermarkets and doctors' surgeries within 1600m. The Ferry Road local centre is 700m walk as is the Leith and Leith Walk town centre. Pilrig Park and Leith Victoria Leisure Centre are around four to seven minutes' walk (350 and 600m) respectively.

The site lies some 1.7 miles north of the University of Edinburgh Holyrood campus, the nearest university campus, which is approximately a 36 minute walk or a 14 minute cycle. The site has easy access to the Water of Leith walkway part of the Core Path network.

There is easy access via Newhaven Road to the Warriston Path which forms part of the National Cycle Network Route 75 connecting Leith with central Edinburgh and connecting with Quiet Routes 11 and 13. Edinburgh University's George Square area would be around a 16 min cycle (3.4km) with Merchiston Campus of Napier University around a 26 minute cycle (5.8km).

The nearest Bus stops on Newhaven Road and Bonnington Road are 80 metres away or 2 mins walk allowing travel north-south, east and west. These bus stops are served by Lothian Buses services 10, 11, 36 which are every 20, 12, and 30 minutes respectively during the day and 20, 30, 30 minutes respectively in the evenings. Services 10 and 11 pass along Princes Street, allowing walking the further 1.2km to Edinburgh University main campus. Services 11 and 36 pass within a 4 minute walk from Edinburgh Napier University Craiglockhart and service 36 within a 4 minute walk of the Sighthill campus. The nearest trams stop is at Balfour Street is 0.7 miles or 13 minutes' walk away with the frequent service to Granton and the Airport as well as the city centre.

Student accommodation at this site is in accordance with criterion a) of policy Hou 8 as it is well connected by walking, cycling and public transport to Edinburgh's university and college facilities.

Concentration of student accommodation

When considering the second criteria of policy Hou 8, the LDP does not define an excessive concentration of student accommodation, however the non-statutory supplementary guidance for student housing (2016) states that 50% is the level at which a student population in the locality would be considered excessive and that the nature of the locality, in terms of mix of land use and housing types, and the existing and proposed number of students should also be taken into account.

The locality is defined at an area 800m (10 minutes' walk) around the proposal and the percentage of student increases from 8% in 2011 to 9% in 2023 including if the proposed development go ahead. This locality is considered mixed use with a range of use classes and a mix of housing types.

The Edinburgh guidance for Student Housing shows the sites within the Broughton area. All the data zones in the vicinity, collectively and separately, have quite low concentrations of students - therefore, however, you define the locality, there is not an excessive level of students as a result of the proposal. It is well below the 50% where student concentration could be considered excessive in terms of the CEC student housing guidance.

The proposal complies with parts a) and b) of LDP policy Hou 8.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and states a preference for well managed and regulated schemes as these have reduced issues of antisocial behaviour. Additionally, it states that there is a need for more purpose built student housing in order to free up general housing stock.

The guidance sets out the locational and design criteria for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university - and therefore this clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The site extends to 0.24 hectares with a development area of 0.22 hectares and is supported by this part of the guidance. The proposal is below the threshold for Criterion c) which is therefore not applicable.

Criterion (d) of the Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. The student accommodation provides 232 rooms in total. This consists of 55 cluster flats (24%), x164 Studio Rooms (70%) and 13 accessible rooms (6%). The proposal is for a mix of:

- 55 cluster units with 5 bedrooms per flat (24%).
- 164 studio rooms (70%) and
- 13 accessible rooms (6%).

The proposal also includes communal amenity areas, both internal and external to encourage social activity between residents.

The proposal complies with the Council's guidance for student housing.

Previous Employment Use

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. In this instance, the site already has extant permission as office and a live permission as residential use. The character of the surrounding area is increasingly residential within the mixed use area. The proposal will not inhibit surrounding commercial uses and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas in line with LDP Policy Emp 9. Therefore, a change of use to student housing is considered acceptable in principle.

Bonnington Development Brief

The Bonnington Development Brief (2008) also covers the site. The brief sought to establish an appropriate mix of uses that would ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses at a time when there was general concern regarding the loss of employment uses in the city. The brief proposed a mix of residential and office use for Ashley Place. The change from business to residential was assessed in the previous planning applications (14/05208/FUL) and (19/05092/FUL) and planning permission granted for residential use. Whilst student housing is *suis generis*, in terms of assessment against the brief, it is considered that student housing on this site would also be acceptable as it is unlikely to compromise the operation of existing businesses.

Principle Conclusion

NPF4 Policy 16 considers that student housing is one of the new housing types supported. The proposal complies with LDP Policy Hou 1 as a suitable site within the urban area for residential use. It complies with LDP Policy Hou 8 as the proposed location is accessible and would not result in an excessive concentration of student accommodation to the extent that it would be detrimental to the established character and residential amenity of the locality. The student housing guidance criteria b) requiring a small site of 0.25 hectare or less and criteria d) requiring an acceptable mix of studio rooms, cluster flats and accessible rooms are both adhered to and criteria a) and c) do not apply to this development proposal. The proposal complies with LDP policy Emp 9 and the Bonnington Development Brief, and therefore there is no objection in principle to the proposed development.

Placemaking and Design Considerations

Context

NPF4 Liveable Places Policies 14 and 15 set out that proposals should improve the quality of an area, contribute to local living including 20 minute neighbourhoods and have an acceptable level of interconnectivity with the surrounding area. NPF4 16 requires proposals for new homes to improve affordability and choice by being adaptable to changing and diverse needs including student housing.

Policies Des 1 to Des 8 of the LDP set out the policy framework for the design of developments to ensure that proposals integrate within the city and help to create a sense of place. Also relevant is the Bonnington Development Brief (2008), the Edinburgh Design Guidance and the Student Housing guidance (2016).

The surrounding area is being redeveloped and contains a range of flatted blocks in a variety of designs, heights and materials. The proposal continues Ashley Place as a street integrating with the new residential development nearby. In line with Policy Des 2, the building provides two frontages to Ashley Place and would allow a future connection into Elizafield. This proposal does not compromise the effective development of neighbouring land and aligns with the aims of the development brief.

Height, Scale and Massing

The Bonnington Development brief sought to ensure a predominant building form of tenemental scale buildings around 4-5 storeys high to protect city views.

The general height of the buildings in the locality range from 4 storey traditional tenements to new buildings ranging from 4-6 storeys opposite on Ashley Place and nearby on Tinto Place. The extant planning permission is for a six storey office block on the site and similarly the live residential permission is also for six storeys. The top floor and part of the fifth floor are set back from the eaves with zinc cladding. The material differentiation and set back helps reduce the mass at roof level and when viewed in the street scene and neighbouring properties. The flatted roof is not traditional tenemental style but is found in nearby new buildings and includes a green roof.

LDP Policy Des 11 protects skyline and key views from adverse impact. A townscape assessment was undertaken which illustrated that Ashley Place site lies within the field of view of two key views - No. N8 and No. C1b. However, the proposed six storey height would not be visible in either view above existing rooflines and is acceptable.

Whilst the scale of the building is substantial with a deep floor plate and 'U' shape footprint, it is similar to the consented 'L' with an additional four storey wing extending towards Elizafield Industrial Estate with an accessible roof terrace.

Layout

Policy Des 7 (Layout Design) outlines the criteria to assess layout of proposals. The proposed 'U' shaped layout of the building provides a street frontage to Ashley Place, front garden area, and courtyard communal garden, replicating the tenemental form and an integrated approach to the building's layout with public space as a focal point. The courtyard garden is accessed by two paths from Ashley Place and would include external bike sheds which would be overlooked. There is already a cycle path along the opposite side of Ashley Place which is easily accessible and therefore would encourage cycling.

The proposal has the same building line to Ashley Place as previously, set back from the existing Ashley Place building line by 6 metres, allowing an enhanced streetscape, greater distances between flatted blocks, and removing cars from one side of the street. The ground floor amenity space are set back from the street by ornamental planting and trees whilst also providing activity at ground floor level and natural surveillance.

Density

The proposal at 6 storeys is similar in built form to some of the neighbouring buildings. The proposals comprise 232 student units which would be a higher density, but which would contribute to local placemaking by reusing this vacant site and providing another use which is compatible with the residential and mixed use character of the area.

Landscaping and Public Realm

LDP Policy Des 8 (Public Realm and Landscape Design) and Policy Env 20 (Open Space in New Development) set out how external spaces should be integrated, appropriate, coordinated and proportionate with a maintenance scheme in place. The street garden would be 195 sq. m and publicly accessible which is considered acceptable in line with Policy Env 20.

The 357.sq.m courtyard and the 155sqm roof terrace provide sufficient external amenity space for the new residents. The applicant has included plans which are generally well coordinated with the proposed student housing and the maintenance arrangements are acceptable.

In line with Policy Des8 in order to ensure coordination of street furniture and that the materials used are appropriate for their intended purpose as well as to the use and character of the area, a condition is required to ensure that here are further landscape plans are provided and implemented. This would ensure that the seating area materials, the inclusion of Sheffield cycle racks at the main entrance, and the replacement of the multi-gym bars with more recessed seating areas facilitate the integration and coordination of the proposals with the general streetscape. Therefore, it is considered that which can be ensured by condition.

Materials and Detailing

The elevational treatments include a mix of dark and light facing brick and floor to ceiling windows and decorative brickwork at the main entrance. The elevation details and materials complement those of the existing flats nearby. A condition is recommended to secure materials appropriate to the character of the local area.

Climate Change, Biodiversity and Sustainability

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. NPF4 Policy 2 NPF 4 Policy 2 a) (climate mitigation and adaption) and NPF 4 Policy 9 (Brownfield land) are also relevant.

The application site is a vacant brownfield site within Edinburgh's urban area with the previous office building having been demolished and the site already cleared and left as hardstanding with no remaining buildings nor materials on site for reuse. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' using a vacant brownfield site for sustainable, energy-efficient bespoke student housing within an existing community.

The proposed building would include energy efficiency measures and biodiversity enhancements. The building envelope would exceed current building regulations in terms of external wall thermal insulation and air leakage. Lighting includes low energy LED lamps.

The proposed roof terrace would act as a blue roof, attenuating, storing and filtering rainwater. The upper roofs would be green roofs (providing attenuation and enhancing biodiversity) with PV solar panels, (not visible from the street). The 4th floor roof would have air source heat pumps for heating and hot water.

Biodiversity

Both NPF4 Policy 3 (Biodiversity) and LDP policy Env 16 (Species Protection) seek to protect biodiversity, reverse biodiversity loss, deliver positive effects from development, strengthen nature networks and prevent adverse impact on protected species.

Biodiversity enhancements will be delivered through the landscape proposals including trees, shrubs, climbers, ornamental planting and grasses. The green sedum roof would also enhance biodiversity. Bird boxes are proposed however, it is recommended that an informative be added encouraging swift bricks to be incorporated with the building given its proximity to the Water of Leith.

The proposal complies with the objectives of NPF4 policy 3 and LDP policy Env 16 (Species Protection).

Sustainability

NPF4 Policy 20 (Blue and Green Infrastructure) supports the incorporation of new infrastructure as an integral part of the design and requires effective management and maintenance plans for their long term delivery and upkeep. NPF4 Policy 22 (Flood risk and water management) and LDP Env 22 (Pollution and Water Quality) are also relevant. A Flood Risk Assessment, and Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy as part of the self-certification (with third party verification) process. The proposed SUDS includes a combination of green/blue roof system, underground cellular attenuation and a rain garden. The proposed SUDS measures are acceptable for a high-density urban development on a constrained site. The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewers. A condition will also be attached to ensure the long term maintenance of the blue/green infrastructure.

Waste

In line with Policy NPF12 (Zero Waste) which seeks to reduce, reuse or recycle materials in line with the waste hierarchy, Site Waste Management plan has been submitted with a target of 90% of construction waste to be diverted from landfill. Recyclable waste storage areas will be allocated within the communal bin stores. Waste collection would be a commercial waste operation.

Contaminated Land

Policy Env 22 relates to significant adverse effects for health, the environment and amenity in relation to air, soil and water quality and ground stability. It also requires appropriate mitigation to minimise any adverse impacts. A Geo-Environmental Desk Study and Ground Investigation has been submitted. Whilst Environmental Protection accepts these findings and conclusions and recommendations it requires further localised investigation targeted on amenity landscaping areas. A condition is required to ensure that the proposed development is safe and suitable for its intended use.

Archaeology

The site is within an area of archaeological significance and LDP policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) are relevant. The results of previous archaeological excavations indicated that significant industrial archaeology had survived over the northern half of the site. Therefore, a condition is required to ensure that a programme of archaeological mitigation is undertaken.

Transport

NPF4 Policy 13 (Sustainable transport) and the Council's transport policies aims to reduce car journeys and improve active travel infrastructure and public transport infrastructure. The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. There are no car parking spaces provided within the red line application site and this is considered acceptable given the walking, cycling and public transport available within the locality and the accessibility of the application site.

LDP Policies Tra 1 (Location of Major Travel Generating Developments) and Tra 8 (Provision of Transport Infrastructure) require development proposals to demonstrate through appropriate transport assessment and proposed mitigation in relation to its impact on the existing transport networks and accessibility of the site by modes other than the car. The application is supported by a Transport Statement. The Transport Statement shows that the number of weekday people trips by all modes is an increase of 192 person trips or around 50% more trips than the consented residential development during the weekdays. Residents of the proposed development would be unlikely to drive given the absence of parking spaces at the proposed development. Therefore, the proposed development would give rise to more cycling, walking and public transport use.

The LDP Action Programme (April 2023) also sets out requirements to mitigate the impact of development. Contributions are required to be secured by legal agreement, in line with the LDP Action Programme and include:

- Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route.
- Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston and
- Contribute the sum of £3,140 to Jane Street / Tennant Street Active Travel Connections.

Cycle Parking

The development will provide 100% cycle parking provision comprising 232 cycle spaces within secure parking internal at ground floor level and within the courtyard area to the rear of the building. An additional six spaces will be provided at the main entrance for visitors' use which is conditioned to ensure Sheffield Stands are provided.

The proposed cycle parking will be on two tiers with 93 spaces on the upper tier (40%) and 93 spaces on the lower tier (40%) both of which can be used independently and with a gas-assisted strut to aid accessibility to the upper tier. The Sheffield stands comprise the remaining 46 spaces (20%) with 2m separation distance between them for non-standard bikes.

The location, design and variety of bicycles that can be accommodated comply with the Council's parking standards and cycle parking fact sheet C7. Guidance requires that no more than 80% of cycle parking spaces should be one type.

The cycle parking provision has been amended through the assessment of the application, and the proposed layout has been changed from provision including a 100% two-tier storage solution to a mix of two tier stands and Sheffield stands and extra visitor spaces at the main entrance.

This provides the required quantum and mix of cycle parking for the development. The proposed cycle storage will be secure and easily accessible to students, with access to/from Ashley Place to allow access to the road and path network in the city.

NPF policy 13 (Sustainable Transport) supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. NPF4 Policy 15 (Local Living) supports developments that contribute to local living and the 20 minute neighbourhood. The proposal allows for reduced car dependency and complies with NF4 policies 13 and 15 as well as LDP policies Tra 1- Tra 4 and Tra 8 and is acceptable.

Amenity

LDP Policy Des 5 requires assessment of amenity in relation to noise, daylight and sunlight, privacy or immediate outlook as well as considerations of future adaptability and community security.

Noise

A Noise Impact Assessment has been submitted. This states that the BS8233:2014 standards can be met provided that appropriate designed glazing and ventilation standards are included. It was recommended that a glazing specification with a minimum performance of 30 Rw +Ctr dB is used to reduce the impact of commercial noise internally within student accommodation during the day and night-time periods. This can be secured by condition. Environmental Protection has no objection to the proposals.

Daylight to Existing Buildings

The impact on daylight to existing buildings has been assessed and refers to location 1(a) the six storey modern flatted building to the south-east and 1(b) the four storey traditional tenement flats to the south of the proposed development. Location 2 is the newly constructed four storey flatted block to the north-east of the proposed development.

In terms of the Vertical Sky Component Analysis, the existing windows need to retain 80% of its former daylight value. For locations 1a and 1b, 16 windows do not comply and in location 2, 32 windows do not comply. The Average Daylight Factor assessment was then undertaken for those windows to habitable rooms that did not pass the VSC analysis. All 16 windows in location 1a and 1b and all 32 windows in location 2, fully pass the Average Daylight Factor test in therefore comply with Edinburgh Design Guidance.

Daylight to New Buildings

All windows pass the 'No Sky Line' daylighting test apart from some lower areas of the internal courtyard. An ADF assessment revealed that all these windows passed the requirements using the calculation methods set out in BRE209 and Edinburgh Design Guidelines. It is noted that all rooms surpass the minimum 25% glazing on an external wall with some cases having over 50% glazing.

Sunlight To New Gardens and Spaces

The Edinburgh Design Guidance requires half the areas of new garden spaces to be capable of receiving potential sunlight during the Spring Equinox for more than 2 hours and the proposed external amenity spaces do comply with this standard.

Overall Amenity

The proposed development is set back on Ashley Place in the same position as the consented residential development and would not result in significant levels of overlooking nor loss of privacy to existing residents. Community security would be provided with the main entrance and street elevations having active frontages and therefore natural surveillance. The courtyard garden would be secure, and there would be some overlooking to the adjacent footpaths. Refuse and recycling facilities have been included within the proposals. The proposals would also have a positive impact on the health of the proposed occupiers with the mix of cluster, studio and accessible flats and the different areas of amenity space provided. The proposal therefore complies with LDP policy Des 5 and NPF4 Policy 23 Health and Safety.

Health services

The proposal is not located in a contribution zone for health care as shown in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). There is no necessity to apply a planning contribution for this proposal in the context of NPF4 policy 18 despite some public comments raising concerns with regard to impacts on local health services such as doctors and dentists.

LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

b) 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 in relation to the assessment of the proposed development and in the context of representations received from the public. The development plan recognises the need for a variety of housing types to be provided across the city including purpose built student accommodation. The assessment set out in section (a) above demonstrates that this site provides an acceptable location in principle for student housing as it was previously for residential development and for office development of commensurate size and footprint. The provision of student housing is therefore considered to be a compatible housing type and does not result in any negative impacts in relation to equalities. The proposal has been considered in relation to accessibility. The development provides 13 accessible rooms and there are internal lifts to access all floors. The development has been designed to be car free and it accessible by active travel and public transport. There is also on-street car parking within the vicinity.

The development will provide natural surveillance opportunities of adjacent Ashley Place and will increase the quantum of residential accommodation in the local area. The proposed use provides an opportunity to improve street safety. The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (a) above. No concerns relating to equalities have been raised in this regard.

Public Representations

A number of representations were received including:

Material objections

- Insufficient parking provision, including disable car parking
- Increased traffic
- Insufficient road infrastructure

- Insufficient contribution to cycle paths improvement
- Increased noise and disturbance in local area
- Insufficient public transport links
- Loss of daylight/sunlight to neighbours
- Overlooking of neighbouring properties, loss of privacy
- Unsuitable location for student housing due to distance from further education establishments
- Unsuitable location for student due to the impact on residential amenity
- Insufficient local amenities
- Failure of the proposal to make a sufficient contribution to affordable housing need.
- Insufficient contribution towards meeting local demand for housing.
- Overdevelopment of the area
- Large scale building dominating the area.
- Failure of the proposal to provide community amenity.
- Failure of the proposal to create a sense of place.
- Failure of the proposal to comply with the 20 minutes neighbourhood.
- Insufficient sustainable building design, including SUD's.
- Failure of the proposal to provide mix-uses unit, including flexible business space.
- Unappealing design
- Inadequate palette of materials for the area
- General over provision of student housing

Material support:

- Overall good appearance and design quality

Non-material representations:

- Potential short term let of student accommodation.
- Transient nature of the student community
- Construction noise
- Loss of value for neighbouring properties
- Site boundary reduced compared to previous applications.

Conclusion in relation to material considerations

There are no equalities or human rights issues and the material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall Conclusion

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location.

The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles. The proposal will also make a positive contribution to the range of housing types across the city by providing purpose built student housing in an area with a current low concentration of such housing. The proposed locality is accessible and has several active travel connections and public

transport in the vicinity. There is also shops and services reinforcing the 20 minute neighbourhood and local level whilst allowing active travel and public transport access to further and higher education locations.

The proposed design is similar in height and scale to that already consented for residential and office development. This design has included more sustainable elements including blue/green infrastructure at roof and ground level.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents. Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation enhancing biodiversity on the site and create a positive setting for the building and enhancing the street scene. The proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance subject to the recommended conditions. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i). Prior to commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development.
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.
 - ii). Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. This plan shall include the provision of Sheffield Stands are the main entrance to the building.

Thereafter, the approved landscaping plan shall be implemented within six months of the completion of the proposed development.

5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
6. A management plan for all the blue/green infrastructure and landscaping shall be submitted to the Local Planning Authority. Thereafter the approved plan shall be implemented within 6 months of the completion of the development.
7. The noise mitigation measures as specified within the RMO Noise Impact Assessment Technical Report No. R-7243A-LH5-RGM, dated 28th April 2023, shall be installed and operational prior to occupation of the development.
8. Once the specification of all mechanical and ventilation plant has been determined, a further Noise Impact Assessment (NIA) shall be provided that demonstrates that acceptable noise and ventilation mitigation measures have been provided and that the cumulative noise levels from all plant will be within acceptable noise levels that are agreed in writing with the Local Planning Authority.
9. The ventilation mitigation measures as specified within the RMO Noise Impact Assessment Technical Report No. R-7243A-LH5-RGM, dated 28th April 2023, shall be installed and operational prior to occupation of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the health of the building's occupants.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. In order to protect the amenity of the existing neighbours and future occupiers of the development.
8. In order to safeguard the amenity of occupiers of the development.
9. In order to safeguard the amenity of occupiers of the development.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to Transport contributions has been concluded and signed. The transport contributions toward the LDP Action Programme (2023) include:
 - (a) Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route;
 - (b) Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston;
 - (c) Contribute the sum of £3, 140 to Jane Street / Tennant Street Active Travel Connections.

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Waste arrangements for the development will be undertaken by a private contractor. The proposed arrangements do not comply with CEC waste services and therefore could not be considered for CEC collection in the future.
5. The applicant shall provide swift bricks in the development. Details of their proposed location should be submitted to the authority for approval.

6. No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 13 December 2022

Drawing Numbers/Scheme

1A - 4A, 5B-10B, 11A, 12A, 13 - 16

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Catriona Reece-Heal, Senior Planning Officer
E-mail: catriona.reece-heal@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport Officer

COMMENT: No objections subject to conditions and informatives.

DATE: 17 February 2023

NAME: Environmental Protection

COMMENT: No serious concerns about residential use and therefore this use. Would prefer no fossil fuel useage and heat and energy demand should be met by on-site renewables.

DATE: 9 January 2023

NAME: Leith Central Community Council

COMMENT: Object as the proposal is contrary to :

Student Housing Guidance - as site area is incorrect 0.24 Ha to avoid providing housing on the site and cumulative impact of a transient population not assessed;
LDP - no sense of place, impact on amenity, excessive concentration of student accommodation;

Development Brief - no new small business space and concerns about the submitted plans.

DATE: 18 January 2023

NAME: Scottish Water

COMMENT: No Objection

DATE: 5 January 2023

NAME: SEPA

COMMENT: No Comment

DATE: 13 January 2023

NAME: Contaminated Land Officer

COMMENT:

DATE: 7 July 2023

NAME: Environmental Protection

COMMENT: No objection subject to condition to ensure the site is safe and suitable for the intended use.

DATE: 7 July 2023

NAME: Nature Scotland

COMMENT: No comment

DATE: 16 June 2023

NAME: Waste Services

COMMENT: Waste strategy is not agreed.

As this is to be a student residential development, waste and cleansing services would be expected to be the service provider for the collection of any household domestic and recycling waste produced.

Further input would be required.

DATE: 20 June 2023

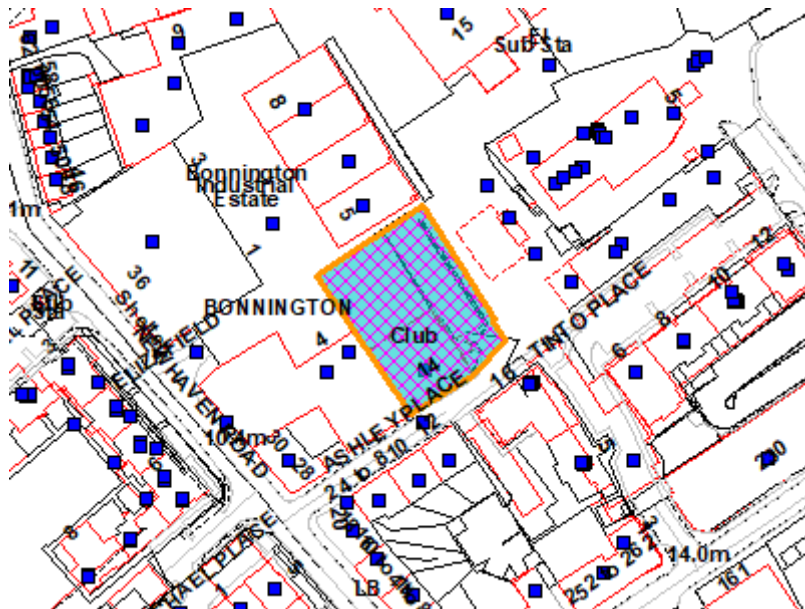
NAME: Scottish Water
COMMENT: No Objection.
DATE: 20 June 2023

NAME: Archaeology
COMMENT: No objection subject to condition.
DATE: 6 January 2023

NAME: Flood Prevention
COMMENT: No objection.
DATE: 29 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 20 September 2023

**Application for Planning Permission
1,3 and 5 Baronscourt Road, Edinburgh, EH8 7ET.**

Proposal: Demolition of existing commercial units and replacing with a residential unit containing 19 apartments (as amended).

**Item – Committee Decision
Application Number – 21/03101/FUL
Ward – B14 - Craigentenny/Duddingston**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 43 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Overall, the proposal is in accordance with the national planning framework 4 and the Local Development Plan.

The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised. It is acceptable in terms of equality.

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The site comprises of three units in light industrial use including a car servicing / repairs and a confectionery manufacturer covering the sites' footprint.

The immediate area is mainly residential in character. Four storey flatted properties border the site on three sides.

To the north and east, are traditional red sandstone tenements with communal gardens consisting of lawn with trees and hedging. 2 Piershill Terrace and 9 to 15 Piershill Place are Category C Listed (LB49046, date 18/12/2002).

A modern residential building is located to the west with a range of commercial uses, car parking and a Church beyond this. To the south, is a row of cottages which faces the site on Baronscourt Road.

The site area is approximately 1170 m² in total.

Description of the Proposal

Demolition of the existing commercial units and construction of 19 residential flats.

The development is mainly four storeys in height and includes three dual pitched roofs in a dark brown metal. A lower, flat roof section is proposed to the east side with solar panels and an air source heat pump on its flat roof.

The building will be a maximum height of approximately 15.5 metres to ridge level, 11.5 m to eaves, depth of 17 m and width of 36 m. The building footprint is 510 m² in total.

The walls are mainly a light brick, which project in front of the darker brown elements on the front elevation facing Baronscourt Road. Balconies serve three flats on the upper level and modern, rectangular windows on each floor.

The development comprises a mix of unit sizes in total including eight one-bed units (51 to 61 m²) seven two-bed units (67 to 75 m²) and four three-bed units (76 to 86 m²).

Garden space is to the rear covering approximately 236 m² and includes seated areas with raised planters. Two enclosed cycle stores and a bin store are included with paved footpaths providing access from the front to the rear of the development. The larger cycle store includes provision for 30 cycles via standard Sheffield stands. The smaller store includes provision for 8 non-standard cycles via custom Sheffield stands.

Revised Scheme

The proposal has been revised as per the following:

- Size of one bedroom unit increased on the third floor.
- Cycle parking and landscape arrangement altered.

Supporting Information

- Bat surveys
- Daylight and sunlight information
- Design statements
- Surface Water Management Plan
- Sustainability form

Relevant Site History

No relevant site history.

Other Relevant Site History

The site has no other planning history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Transport Planning

Affordable Housing

Archaeology

Communities and Families

Flood Planning

Waste

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 June 2021

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 47

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change in the Historic Environment: Setting

2 Piershill Terrace and 9-15 Piershill Place (inclusive numbers), LB 49046, date added: 19/12/2002

To the north and east of the site are Category C listed baronial tenement buildings on Piershill Terrace and Piershill Place. These buildings are four storeys, constructed in coursed red sandstone with grey slate and red terracotta ridge tiled pitched roof.

HES' Statement of Special Interest refers to the tenements' prominence on the main road between Edinburgh and Portobello, which continues in plainer form on Piershill Terrace.

Key detailing on these sides includes the vertically positioned bays with timber sash and case windows of a uniform design, scale and arrangement. Traditional boundary treatments include a low stone boundary wall and wrought iron railings fronting the street.

Views of these tenements' from Baronscourt Road will be reduced by the increase height on-site from the new buildings. However, these reduced views will face onto the tenement's subsidiary elevation. The proposals' location to the south and west side, will avoid interfering with any views or formal approaches onto the tenements' principal elevations identified in their statement of special interest.

In addition, the development is of a proportionate scale to surrounding built form and an appropriate degree of separation will be retained to these historic buildings that their spacious garden settings will not be impacted upon.

In light of this, the proposal will not be to the detriment of their architectural character, historical interest or overall setting of these listed buildings.

New Restalrig Parish Church, LB ref: 27166, date added: 10/04/1986.

The height of the new development on-site will remove a view of the upper section of this church tower from Baronscourt Road. Its visibility here is from an oblique, setback position for a small section of the street only.

This historic asset is considerably more prominent from streets each side at its corner plot location. Key architectural detailing being visible in close view and the church tower being more prominent on approach to the Portobello Road junction.

These views will be uninterrupted by the proposal and with regard to the above the special interest and overall setting of the listed building will not adversely be impacted upon.

5-8 Piershill Place LB ref: 49045, date added 19/12/2002.

To the north-west is B listed mid 19th century, two-storey terrace which is separated from the site by tenement gardens and a car park. The key architectural detailing is on the terrace' north side facing Portobello Road.

Given the separation distance that would continue to be retained between the sites' no adverse impact on this listed terrace' setting will occur.

Conclusion in relation to the listed building

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 8, 9, 13
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22,
- LDP Design policy Des 1, Des 2, Des 4, Des 5, Des 7
- LDP Developer contributions policy Del 1
- LDP Employment policy Emp 9
- LDP Environment policy Env 12, Env 21, Env 22
- LDP Housing policy Hou 1, Hou 2, Hou 3, Hou 4, Hou 6
- LDP Transport policy Tra 2, Tra 3, Tra 4

Listed Buildings

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

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

Use

Loss of employment use

LDP policy Emp 9 (Employment Sites and Premises) states proposals to redevelop employment sites or premises in the urban area for other uses will be permitted provided:

- a) the non-employment use does not prejudice or inhibit activities of nearby employment uses.
- b) the proposal contributes to the comprehensive regeneration and improvement of the wider area;
- c) and proposals include floorspace for a range of business use where sites exceed one hectare.

Light industrial uses on Piershill Lane comprise of small-scale units which are separated from the site by the car park of the adjacent residential building. With regard to their size and distance retained to the site it is not anticipated their operations would have an adverse impact on future occupiers living environment. In turn, the development would not prejudice activities of a nearby employment use. This notwithstanding, given these existing uses have potential to be noise-emitting, a condition has been applied for a Noise Impact Assessment to include any existing industrial noise nearby and detail of any mitigation measures to be submitted.

In addition, re-developing the site by replacing garages of functional design and appearance, with a modern high-quality residential development will help contribute positively to regeneration of the area.

The site is less than one hectare therefore the proposal does not require provision for business use. There is no requirement under this policy to retain the existing uses on site. Subject to the aforementioned condition, the proposal complies with LDP policy Emp 9.

Residential Use

LDP policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria on where this can be achieved.

Criteria d) prioritises delivery of housing on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) refers to development proposals contributing to local living and 20 minute neighbourhoods.

Given the surrounding residential character, this windfall site is suitable for housing. It has local access to public transport and green open spaces. Local centres are nearby to the sites east and west, providing services and potential employment opportunities for future residents in the near vicinity. In this regard, the proposal will contribute to local living.

LDP policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing needs having regard to the character of the surrounding area and its accessibility.

In addition, the EDG states that for schemes of 12 units or more, 20 % of the total number of homes should be designed for growing families with floor areas of 91 m² including enhanced storage.

The proposal provides a mix of house types including 8 one-bed units, 7 two-bed units and 4 three-bed units. Range is also provided at ground floor including 2 one-bed units, 2 two bed units and 1 three bed unit providing step free accessible options for different population groups. It is acknowledged the mix of units does not include provision for growing families as the three bedroom units are not designed with enhanced storage exceeding 91 m². However, with regard to the above, overall, a reasonable range of units are provided to meet varying needs and an infringement of the guidance is therefore acceptable here.

LDP policy Hou 3 (Private Greenspace) states planning permission will be granted for development that makes adequate provision for green space to meet the needs of future residents.

Criteria a) states for flatted developments this will be based on a standard of 10 square metres per flat and a minimum of 20 % site area should be useable greenspace.

The proposal provides 191 m² of useable greenspace in total which exceeds 20 % of the sites and the standard of 10 m² per flat.

LDP policy Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility, and its impact upon local facilities.

The site sits within the immediate context of higher density residential development in the area. Its four-storey height, footprint and retained open space is generally compatible with this density.

An attractive residential environment will be achieved through the size of flats internally, dual aspect and external amenity space for future residents.

The site has access to public transport modes nearby including Lothian bus services 4, 5, 26 and 45 in walking distance on Portobello Road.

In light of the above, the proposal complies with LDP policy Hou 1, Hou 2, Hou 3, Hou 4 and NPF 4 policy 15.

Sustainable Places

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

NPF 4 policy 2 (Climate mitigation and adaptation) intent refers to development minimising emissions and adapting to current and future impact of climate change.

NPF 4 policy 9 (Brownfield, vacant and derelict land and empty buildings) intent refers to encouraging reuse of brownfield, vacant or derelict land and empty buildings.

NPF policy 14 b) (Design, quality, and place) refers to sustainability as a quality that supports a successful place.

The proposal includes measures to help mitigate impacts of climate change. The S1 sustainability form details the features included with the development such as photovoltaic panels, air source heat pumps and a heat recovery system.

With regard to biodiversity, the cycle store, bin store and plant room will be designed with green roofs. New trees are detailed to the front and rear of the site.

The development re-uses brownfield land in a sustainable location. The existing garages will be demolished however these structures are of a poor design quality and in this regard their demolition is acceptable.

In addition, sustainable materials will be used in the new development. The S1 form details existing materials on-site will be re-used and new materials from recycled and local sources.

The flats have mainly been designed with the main habitable living space south-facing to maximum levels of natural light.

Overall, the proposal is a sustainable development which re-uses brownfield land.

Overall, it complies with NPF4 policy 1, 2, 9 and 14 b) regarding sustainability.

Design, Quality and Place

NPF4 Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. These qualities include a place being healthy, pleasant, connected, distinctive, sustainable, and adaptable.

LDP policy Des 1 (Design Quality and Context) refers to development creating or contributing to a sense of place based on positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design) refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

LDP policy Des 4 (Development Design - Impact on Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape.

LDP Policy Des 7-Layout and Design seeks a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces.

The site consists of single storey garages which cover almost the entire site footprint. They are of a functional design to suit light industrial use including their construction with corrugated iron and roller shutter doors. In this regard, they do not contribute positively to the areas character or appearance and their demolition is therefore acceptable. In addition, it is noted these units could be demolished under permitted development rights.

The immediate area consists primarily of older traditional residential buildings of varying scale. Large, red sandstone tenements to the north and east whilst older style cottages are on the opposite side. A modern, flatted development is also located to the west.

These buildings on the north side of Baronscourt Road are four storeys. Whilst this new development will clearly differ from this existing architecture, it is compatible in scale. Its four-storey height aligns with the eaves of modern development to the west and is appropriately lesser scaled than traditional tenements. In this respect the design pays due attention to the local architecture.

The dual pitched roofs will be prominent additions distinctive in form and will add a degree of interest to the range of architectural styles present. Use of alternate materials including a dark brown zinc roof, light brick walls and large glazed openings are appropriate as they form part of a high-quality modern design.

The two tones on the buildings' frontage will help break up the perceived mass of the building from the street. Particularly, the recessed darker zinc sections forming the building entrances.

The development is generally compatible with the spatial pattern of residential development nearby. It will be setback from the street to a similar degree as the modern development to the west, and it will include a large area of open space at its rear like neighbouring tenements.

The extended rear projection is not characteristic of buildings nearby. However, this is a proportionally small part of the overall development. The wider public views onto this will be limited as it will be largely enclosed by existing built form. Therefore, the impact on the areas' appearance will be minimal.

The development will help create a pleasant place through the creation of a high-quality residential development with soft landscaping fronting the street. Windows at ground floor facing onto a new footpath will help improve the sites safety and connectivity by creating natural surveillance onto public space.

In this regard, the proposal supports the delivery of a healthy, pleasant, distinctive, and connected place. Other identified place qualities are considered through other sections of the report.

The design is a high quality, contemporary architecture that will be a positive addition to the area in compliance with relevant NPF 4 and LDP Design policies.

A condition has been applied for full details of all external materials prior to commencement of development to consider these matters in detail.

Amenity

Future occupiers

Policy Des 5 (Development Design - Amenity) states permission will be granted for development where future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The EDG states that to ensure satisfactory amenity, dwellings should not fall below minimum internal floor areas. The standards are 52 m² for a one-bedroom unit, 66 m² for two bedrooms and 81 m² for three bedrooms.

Single aspect dwellings should not make up more than 50% of the overall number of units.

The EDG also states that new gardens should be capable of receiving sunlight for more than two hours during the spring equinox.

Three, one-bedroom flats will fall below the minimum space standard. These units will have a floorspace of 51 m², which is acceptable as a minor infringement.

One, three bedroom unit will have a floorspace of 76 m², falling 5 m² below the standards. This flat will benefit from a south-facing orientation with large windows providing light into habitable space and a top floor balcony of a reasonable size. Given this design and layout, a reasonable living environment will still be achieved for occupiers. The smaller size of the unit is therefore acceptable in this case. All other flats will meet or exceed the minimum space standard.

Top floor flats will have private balconies in addition to the communal greenspace provision.

In regard to sunlight, an adequate size of greenspace will be provided from the rear communal garden. The submitted sun path diagrams at the spring equinox show this space will mainly be overshadowed and will not meet the EDG standards of half the area receiving sunlight for two hours at this time of the year.

The development is considered an appropriate response to this immediate context, compatible with the townscape character in terms of height, scale, footprint. Lower levels of sunlight to gardens are therefore not incompatible with the sites' surroundings. The quality of greenspace has been improved with inclusion of seated spaces and soft landscaping.

In addition, the site is well-served by greenspace nearby. It meets the standards of the Open Space Strategy 2021 in respect to local and large open space provision. Baronscourt Park is within 400 m and Holyrood Park is within 800 m.

In regard to the above an infringement of guidance is therefore acceptable in these circumstances.

Subject to condition, the residential development as a whole will achieve a satisfactory living environment for future occupiers. The degrees of infringement from the non-statutory guidance are therefore justifiable in this context.

In regard to future occupiers' amenity the proposal complies with LDP policy Des 5.

Neighbouring Occupiers

LDP policy Des 2 (Co-ordinated Development) states amongst other criteria that planning permission will be granted for development which will not compromise the effective development of adjacent land.

LDP policy Des 5 (Development Design - Amenity) states planning permission will be granted for development where it is demonstrated the amenity of neighbouring development is not affected.

The EDG offers specific guidance in relation to assessing impact on daylight, sunlight, privacy, and immediate outlook.

In regard to privacy, the EDG refers to the rearward side of development providing a better opportunity for privacy than the street side. This is because for the latter, privacy is compromised by the position of windows relative to the street. Further, an areas' pattern of development will help define appropriate distances between buildings.

Furthermore, private views are not protected, however immediate outlook of the foreground of what can be seen from within a building may be.

The new building will be in proximity to residential properties including tenements (north and east) and the terrace of cottages (south).

The proposal fails the 25 degree daylight criteria for ground floor windows on these sides, therefore, more detailed daylight calculations have been submitted to assess the degree of impact from the proposal.

The report details that all these windows would be within a minimum of 80% VSC of the previously available levels of daylight. The level of impact on light to most windows would be within 0.8 of their former value, therefore, there is not likely to be a noticeable change within these rooms.

In addition, the applicant has provided existing and proposed sun path diagrams at the spring equinox to assess any impact from the proposals on shade to neighbours' gardens.

Some additional shade will be cast on the tenement garden east of the site between 14.30 to 16.30. The amount of additional shade is considered a modest proportion of these communal gardens and for a limited duration of time. In tandem with the retained levels of sunlight to these gardens during the day, there will be no unreasonable loss of amenity for these occupants. To the north, there will be no material impact on shade from the proposal.

In regard to privacy, the distances retained between buildings differ in the area. The development will be in keeping with the sites' immediate spatial pattern. It will continue the building line of modern flatted development to the north. Space retained of around 19m to the smaller cottages on Baronscourt Road is in keeping with facing tenements on Piershill Terrace. In addition, retained distances of over approximately 14 m to the east and 22 m north are compatible with surrounding built form.

It is recognised new front-facing windows and upper floor balconies will change the relationship between the site and facing cottages. Clearly, the new development will increase views of these properties from that of the existing industrial garages. However as per the EDG, the privacy of buildings on the street side is somewhat compromised by the visibility of windows from the street.

In this regard, it is considered the cottages better opportunity for privacy will continue to be from the rear. In consideration of this and the sites' compatibility with the surrounding spatial pattern no adverse impact on neighbours' privacy will occur.

Furthermore, it is acknowledged the height and position of the development will alter the outlook from residential properties facing onto the site. However, the retention of private views reliant on outlook across adjacent land cannot be protected under planning legislation.

The development will be set in from the site boundary which will help reduce its perceived mass from adjacent windows. Its closest proximity will be on the east side, where the building height reduces to a flat roof, three storeys. Whilst greater in height than the existing structure, its depth here is considerably less which will help reduce this impact.

Subject to condition, the proposal will not result in an adverse impact on the amenity of neighbouring occupiers therefore complies with LDP policy Des 5.

Noise

Policy Des 5 (Development Design - Amenity) also states permission will be granted for development where future occupiers and neighbouring developments have acceptable levels of amenity in relation to noise.

NPF4 policy 23 e) (Health and Safety) states development proposals that are likely to raise unacceptable noise issues will not be supported.

In regard to noise, the site is located on a quieter street than the surrounding busier, main roads. Residential use is characteristic of the area and surrounds the site on all sides. There are no concerns from a noise perspective regarding residential use of the land which is an established use in the area. It is anticipated this new use is likely to have lesser noise impacts than the sites' existing light industrial uses.

Environmental Protection have commented that associated machinery including plant and air source heat pumps have potential to cause noise and vibration impacts for new and existing residents. The applicant has stated that specification details for this equipment are not currently known. A condition is therefore recommended to ensure noise is adequately considered and mitigated prior to occupation of the development.

In addition, the site is approximately 19 m at its nearest point to garages on Piershill Lane. Given this distance and the immediate residential character of the area it is not anticipated noise from these sources would lead to an adverse living environment for future occupiers or prevent restrictions on nearby uses.

Subject to condition, the proposal will not result in an adverse impact on the amenity therefore complies with LDP policy Des 5 and NPF 4 policy 23 e).

Contaminated Land

Given the previously developed nature of the land a condition has been applied for information on the lands' potential contaminants and any required mitigation measures.

Subject to the approval of these details, the proposal complies with NPF 4 policy 9, 22 and Env 22.

Transport

Cycle Parking

LDP policy Tra 3 (Cycle Parking) states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

LDP policy Tra 4 (Design of Off-Street Car and Cycle Parking) refers to design considerations for cycle parking. Cycle parking should be provided closer to building entrances than general car parking spaces and be designed in accordance with the standards set out in Council guidance.

The cycle parking factsheet C.7 states that where less than 50 bikes on Sheffield stands are required at least 50% of the capacity should be met by single storey racks.

The design principles for cycle provision include its location near destination entrances, its ease of accessibility and accommodation of minimum 20% of non-standard bicycle provision.

The EDG states that in zone 2, flats with 2 or 3 habitable rooms should have 2 cycle spaces. Flats with 4 habitable rooms should have 3 spaces. For the 19 flats, the provision equates to 41 cycle spaces in total therefore the 38 spaces provided falls slightly short.

The cycle provision has been revised to improve its accessibility for a range of users with 30 spaces via standard Sheffield racks and 8 spaces catering for non-standard provision. However, as the revised provision falls slightly short of the standards, a condition has been applied for an additional 3 cycle spaces to be provided.

The cycle provision will be located in enclosed cycle stores in the rear garden via a fully accessible route from the buildings' main entrance via a footpath to the side.

Car Parking

NPF 4 policy 13 e) (Sustainable transport) states development with no car parking will be supported, particularly in urban locations well-served by sustainable transport modes and which do not create barriers to access by disabled people.

The policy intent seeks development to prioritise travel by sustainable transport.

NPF 4 policy 14 b) refers to connectivity supporting a successful place. Including supporting well-connected networks that make moving around easy and reduce car dependency.

Policy Tra 2 (Private Car Parking) states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance.

The development will not include any car parking provision within the site boundary, and it is located near to sustainable transport modes. Lothian bus services 4, 5, 26 and 45 are on Portobello Road in five minutes' walk from the site. These services are accessed via a footway to the east of the site which links onto this road via Piershill Terrace. The proposed car free development is suitable in terms of the sites' sustainable location.

Regarding potential impact on traffic and congestion, the lack of designated car parking spaces, the sites' urban location near sustainable transport modes and provision of cycle parking will help to reduce reliance on private car usage and subsequent impact on the roads. No specific concerns have been raised from Transport Planning on this matter. Further mitigation measures have been recommended to the applicant as informative including a contribution to the Enterprise Car Club and provision of a Travel Plan highlighting local transport.

In regard to road safety, the changes to the road layout are not approved at this stage. Separate consent will be required for this work out with consideration of this planning application. The applicant should also submit a stage one road safety audit and an informative has been included in respect to this.

Access into the building will be taken from a widened footway out with the applicants' ownership. The suitability of this will also be considered as part of this separate consent. An informative has also been included to highlight this matter to the applicant.

Overall, Transport Planning have raised no objection to the proposals. The recommended informative regarding parking mitigation measures and requirement for separate consents have been included.

The reduced car parking provision complies with Council's standards and is appropriate in this urban location where the site is well-connected to sustainable modes of transport, a range of commercial and other services.

In this regard, the proposal complies with LDP policy Tra 2, NPF 4 policy 13 and part of 14 b) detailed above.

Works to the pavement and road will need to be agreed with the Roads Authority and are outwith the applicant's ownership. This notwithstanding, an informative has been included for the applicant to consider provision of a disabled parking bay having regard to NPF 4 policy 13 e).

Affordable Housing

NPF4 policy 16 e) states development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Market homes will be supported where affordable home contribution is at least 25% of the total unless LDP set out locations or circumstances where a higher or lower contribution is justified.

LDP policy Hou 6 (Affordable Housing) states that planning permission for residential development, including conversions, consisting of 12 units or more should include 25% affordable housing of the total number of units. For proposals of 20 or more dwellings, the provision should normally be on-site.

The affordable housing guidance states the payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20.

The potential for the site to deliver on-site affordable housing provision has been explored. The applicant has engaged with two Registered Social Landlords (RSLs), the Wheatley Group and Harbour Homes Scotland however practical and viability issues have been raised.

As outlined in the Housing Development consultee response, there is difficulty in including a dedicated stairwell and entrance for the four affordable units due to the small size of the site. In addition, that mixed RSL ownership can result in management and maintenance issues. Therefore, sole ownership of affordable homes within a dedicated stairwell is sought. Majority ownership could not be achieved, and the number of units is less than an RSL would ideally seek. The estimated construction costs would be 25 to 30% higher than an RSL would be able to finance.

The development including estimated land value and associated costs has been independently assessed by a district valuer (DV). The DV has set out a commuted sum value based on 25% of the total number of new homes. For each unit, this equates to £18,276 with a total commuted sum of £87,000 for the development. This sum required is calculated based on the site's land value in line with the approach set out in the planning guidance on 'Affordable Housing'. The commuted sum would be secured through a S75 agreement.

The Housing and Development team raise no object to the proposals subject to the securing this commuted sum through legal agreement.

Subject to this agreement, the proposal complies with LDP policy Hou 6 and NPF 4 policy 16 e).

Flooding

NPF 4 policy 22 c) (Flood risk and water management) states development proposals will not increase the risk of surface water flooding.

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

As identified in the SEPA online flood maps, the site is not located in an area with a surface water, coastal or river flood risk.

The applicant has submitted a surface water management plan which have been reviewed by flooding officers. The proposal has been designed to mitigate against flood risk to account for the 1 in 200-year storm event plus a 40% allowance for climate change.

No objections from have been received from flood planning following receipt of Scottish Waters' approval of the proposed surface water discharge rate. An informative has been applied in respect to this.

In addition, the development incorporates measures to help reduce surface water run off including soft landscaping, permeable paving and green roofs.

Overall, the proposal has been designed to mitigate against the risk of future flood risk and complies with NPF 4 policy 22 and LDP policy Env 21.

Ecology

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

LDP policy Env 12 (Trees) states development will not be permitted with damaging impacts on trees worthy of retention.

LDP policy Env 16 (Species Protection) states permission will not be granted for development that would have an adverse impact on protected species.

The submitted surveys identify the buildings and immediate area as having a negligible or low suitability for accommodating bats. In this regard, bats are not a constraint to development and no further information has been sought on this aspect. No other protected species are applicable to the proposal.

The proposal will include measures to enhance biodiversity on-site, including green roofs, greenspace, and new trees. An informative has also been applied encouraging use of swift bricks.

The existing trees in neighbours' gardens are in near proximity to the site boundary therefore a condition has been included for submission of an Arboricultural Method Statement prior to commencement of works. This is in order to ensure these specimens are suitably protected during the construction period.

In addition, the new development retains adequate space to these trees which will prevent any adverse impacts.

The development will therefore support and encourage local biodiversity. Subject to condition, it will have no adverse impact on trees in accordance with NPF4 Policy 3, LDP policy Env 12 and 16.

Archaeology

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

LDP policy Env 8 (Protection of Important Remains) and LDP policy Env 9 (Development Sites of Archaeological Significance) aim to protect archaeological remains.

The City Archaeologist has been consulted on the proposals and considers the development will have no significant archaeological impact.

In light of this, the proposal does not conflict with NPF 4 policy 7 or LDP policy Env 8.

Waste

Refuse facilities will be positioned to the rear of the site and the design statement refers to the bins being moved out to the front at appropriate times for collection.

This waste strategy has been reviewed by Waste Management Services who confirm agreement to the proposals with comments that this is only agreed with the applicants' factor agreement in place. In addition, that the applicant will be required to contact this department a minimum of 12 weeks prior to collection agreement. Informative have been included in regard to these aspects.

Education

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact and where commensurate to the scale of the proposed development.

On 19 April 2023 the Planning Committee approved the Edinburgh Local Development Plan: Action Programme 2023. The latest pupil generation rates (PGR) were set out in the report and were used to assess the cumulative impact of housing developments across the learning estate.

Overall, the development is expected to generate two primary school pupils. No secondary school pupils are anticipated.

Based on 11 flats, a contribution of £42,130 is required. The 8 one-bed flats are excluded from this assessment. A Section 75 agreement is recommended to secure this provision.

Subject to securing this provision through legal agreement, the proposal complies with LDP policy Del 1.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF4 and the LDP and there is not considered to be any significant issues of conflict.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

The proposal raises matters of equality as the upper floors of the residential development will be accessed via a staircase only limiting their suitability for certain individuals. However, the applicant has confirmed the five ground floor units will be fully wheelchair accessible with some range in unit size provided. In this regard, the development will still help increase provision of residential flats for a range of users. In addition, there are separate accessibility requirements under Building Standards as part of any subsequent Building Warrant process.

Through these above considerations, due regard has been had to the public sector equality duty under the above section of the Equalities Act.

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

objection

-Adverse impact on character and appearance of listed buildings: Addressed in section a) Listed Buildings

- Adverse impact on neighbour's amenity (daylight, sunlight, outlook, view, noise): Addressed in section b) Amenity
- Inadequate amenity for future occupiers (flat size, outlook): Addressed in section b) Amenity.
- Adverse impact on character and appearance of area (inappropriate design, scale, density): Addressed in section b) Design

Adverse impact on community through loss of amenities: Addressed in section b) Use. The loss of the existing uses to the local area cannot quantifiably be assessed under this planning application.

- Adverse impact on trees: Addressed in section b) Ecology.
- Adverse impact on ecology (bats / wildlife): Addressed in section b) Ecology

- Adverse impact on road safety: Addressed in section b) Transport
- Affordable Housing matters: Addressed in section b) Affordable Housing
- Increased pressure on local services and schools: Appropriate provision for infrastructure is required by legal agreement.
- Inadequate and inaccurate information submitted: The information submitted is considered to sufficient to determine the planning application.
- Neighbour notification: The neighbour notification has been carried out in line with relevant legislation.

general

- Adverse impact on local car parking: Addressed in section b) Transport.

support

- Contribution to need for housing: Addressed in section b) Use.
- Appropriate design, density, and appearance: Addressed in section b) Design, quality and place.
- Sustainable development: Addressed in Section b) Sustainability.
- Net positive impact for area: Addressed through section b) Use.
- Support for car-free development: Addressed through Section b) Transport.
- Cycle parking should include electric cargo bikes: This is not a policy requirement.

non-material considerations

- Likelihood of asbestos in existing building
- Impact on property value
- Potential noise and general disruption from construction activity
- May encourage additional off-street car parking locally
- Existing disruption from road works

Conclusion in relation to identified material considerations.

The material considerations support the presumption to grant planning permission.

Overall conclusion

Overall, the proposal is in accordance with the development plan and national planning framework 4.

The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is high quality and takes cues from the character of the surrounding area. Residential use will help support local living and is consistent with the six qualities of a successful place.

Subject to condition, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers.

It encourages use of sustainable modes of transport and reduced reliance on car usage. No specific road or pedestrian safety issues are raised. It is acceptable in terms of equality.

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. (a) A site survey (including initial desk study as a minimum) must be carried out to demonstrate that, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning authority.
3. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
4. Prior to the commencement of works on site an Arboricultural Method Statement shall be submitted to and approved in writing by the planning authority. The Arboricultural Method Statement will then be adhered to throughout the duration of the construction period.

5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
 6. Prior to the commencement of development, a noise impact assessment should be provided which considers cumulative noise impacts from the air source heat pumps and plant room associated with the development with mitigation measures specified and agreed in writing with the Local Planning Authority.
 7. The approved mitigation measures as per the details of condition 6 shall thereafter be installed and operational prior to occupation of the residential development.
 8. Prior to commencement of development, details of an additional cycle store with capacity for at least 3 cycles shall be submitted to and approved in writing by the Local Planning Authority.
1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
 2. To ensure the site is safe and stable for the end use.
 3. In order to enable the planning authority to consider this/these matter/s in detail.
 4. In order to protect trees.
 5. To ensure the implementation of appropriate landscaping on-site.
 6. To ensure an appropriate living environment can be achieved for future occupiers and no adverse impact on neighbour's amenity.
 7. To ensure the implementation of mitigation measures to protect the amenity of existing and future occupiers.
 8. To provide adequate cycle provision for occupiers of the residential development.

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 all of those matters identified in the proposed Heads of Terms. -

These matters are:

The applicant is required to contribute the sum of £87,000 as an affordable housing contribution equating to 25% of the total number of units proposed in accordance with LDP policy Hou 6 'Affordable Housing'.

This site falls within Sub-Area 2 of Portobello 2 Contribution Zone. The following contributions are required for additional educational infrastructure:

Total infrastructure contribution required:

-£42,130

Note - 1. all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2022 to the date of payment.

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

Note - 3. Prior to any decision being issued the Council requests the opportunity to review the per unit rates / contribution sought to respond to any changes to costs or circumstances because BCIS indexing is not in line with the costs to deliver education infrastructure and other applications in West Edinburgh may come forward prior to determination.

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 the provision of 1No. car club vehicle. This would require a contribution of £7,000 but is not required to be included in a legal agreement.

The applicant should note that the proposed amendments to the road layout are not approved at this stage. Detailed design and approval by the Council as roads authority will be required, including potential drainage changes. The proposed works will require a redetermination order.

The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), 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.

The applicant should consider whether the absence of internal lifts and the use of steps to the rear meet the obligations set out in the Equality Act 2010.

5. The applicant should submit a Stage 1 and / or Stage 2 Road Safety Audit.
6. The applicant should consider provision of a disabled car parking space.
7. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
8. The applicant should consider incorporating the use of swift bricks into the development.
9. The applicant should contact the Council's Waste Management Team (wasteplanning@edinburgh.gov.uk) a minimum of 12 weeks prior to any collection agreement.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 June 2021

Drawing Numbers/Scheme

01, 02, 03 A, 04, 05 A, 06, 07, 08 A, 09 - 19

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water
COMMENT: No objections.
DATE: 16 January 2023

NAME: Transport Planning
COMMENT: No objections subject to condition or informative as appropriate.
DATE: 25 August 2023

NAME: Affordable Housing
COMMENT: No objections subject to requirement for a commuted sum to be secured through legal agreement.
DATE: 24 May 2023

NAME: Archaeology
COMMENT: No objections.
DATE: 26 May 2021

NAME: Communities and Families
COMMENT: No objections subject to education infrastructure of £42,130 to be secured by legal agreement.
DATE: 17 August 2023

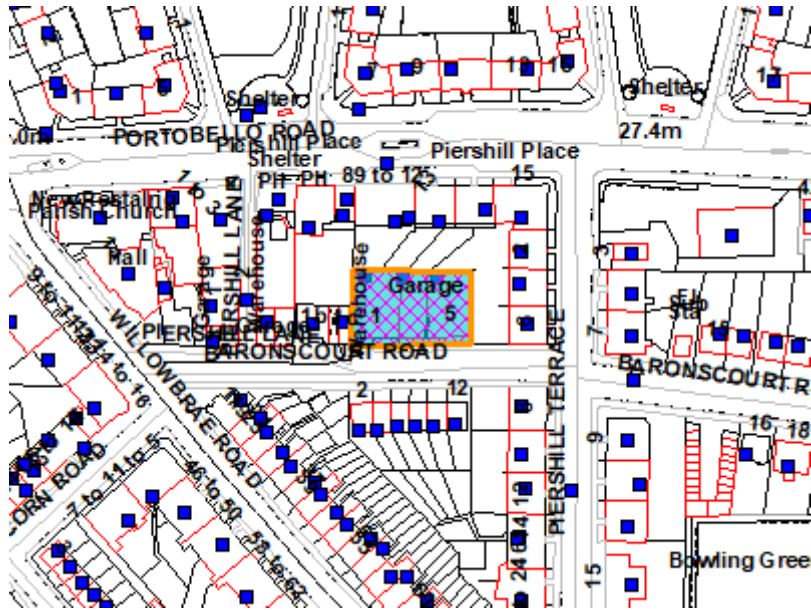
NAME: Flood Planning
COMMENT: No objections.
DATE: 1 July 2021

NAME: Waste
COMMENT: No objections - waste strategy agreed.
DATE: 15 June 2021

NAME: Environmental Protection
COMMENT: No objections subject to condition.
DATE: 31 July 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission
21 Calder Road, Edinburgh, EH11 3PF**

**Proposal: Change of use to form Class 10 primary education centre,
including forming new vehicular access.**

**Item – Committee Decision
Application Number – 23/00933/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 209 letters of representation in objections and 629 in support to the proposals have been received. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal does not comply with the local development plan Policy Hou7 and NPF4 Policy 23, as the amenity of those in neighbouring residential properties would be detrimentally impacted on by way of noise and disruption.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a detached, two storey property, with front, side and rear garden areas. The site is currently an office, with an annex and garage. It is situated in a residential area with two access points: one from the south of Calder Road (A71) and the other from a small estate road, Gaskell Street. To the south site of the site is located HMP Saughton and southwest a new housing development.

The size of the site is approximately 1122 square metre.

The site is located in the urban area as designated in the Local Development Plan (LDP).

Description of the Proposal

The proposal is for the change of use from an office to a Class 10 primary education centre and includes the formation of a new vehicular access.

The proposal would operate as an independent day primary school, with ancillary activities, such as community classes and adult education during after-school hours.

The proposed development would have four parking spaces and a cycle rack for 10 bicycles, with access to be taken from the existing pedestrian access point towards the southern end of the east boundary.

The attached rear annex, which has an independent access, is not included in these proposals, and it will remain as ancillary office/storage accommodation. Likewise, the detached garage building is not included and shall remain as ancillary storage space.

Supporting Information

- Noise Impact Assessment
- Planning Statement
- Business Plan Statement
- Travel Plan

Relevant Site History

21/05061/FUL
21 Calder Road
Edinburgh
EH11 3PF
Change of use for office to residential.
Granted
2 December 2021

22/03889/FUL
21 Calder Road
Edinburgh
EH11 3PF
Change of use to form class 10 cultural and recreational centre, including forming new vehicular access.
Refused
24 October 2022

Other Relevant Site History

25 October 2022 - Enforcement enquiry for alleged unauthorised development - change of use and the erection of a two metre high fence at the front and side of the

property. Case closed. (22/00703/EOPDEV)

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 13 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 845

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places Policy 1, 9
- NPF4 Health and safety Policy 23
- LDP Design Policies Des 1 and Des 12
- LDP Housing Policy Hou 7
- LDP Transport Policies Tra 2 and Tra 3

Principle

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) seeks to encourage the re-use for vacant or derelict buildings; the use of the building as a school would assist in the provision of education and would provide community facilities that would be of benefit to the community. Providing the proposal would be in compliance with other relevant development plan policies, the use of the building would be acceptable in principle.

Climate and Nature Crisis

There are some public transport options nearby, although it is anticipated that there would be a reliance on private vehicles for school journeys. However, given the scale of the proposal and the availability of public transport links, the proposal would not have an unacceptable effect when assessed against NPF 4 Policy 1 (Tackling the climate and nature crises).

Scale, Form and Design

No significant alterations are proposed externally, and the development would not be damaging to the character of the surrounding area. The proposed hardstanding area at the rear of the property to provide parking space would be acceptable, as it would leave an appropriate area of soft landscaping around it.

Clarification has been sought from the Education Department in terms of provision of open space for children within school. They have advised that the school premises regulations that set accommodation and site size requirements only apply to local authority schools or schools that are directly funded by the Scottish Government. In that case those requirements do not apply for 'independent school'. Any consideration of this matter would fall outwith the remit of the planning application.

The proposal complies with LDP Policies Des 1 (Design Quality and Context) and Des 12 (Alterations and Extensions).

Residential Amenity

The Local Development Plan policy Hou 7 (Inappropriate Uses in residential Areas) aims to ensure that no unreasonable noise impact or loss of daylighting, privacy and sunlight occur to neighbouring properties. Furthermore, NPF4 policy 23 (Health and Safety) states development proposals that are likely to raise unacceptable noise issues will not be supported.

Whilst the site is located off the A71, its immediate character is that of a residential area, with a number of houses in close proximity to the east.

A Noise impact Assessment has been submitted with the proposal and Environmental Protection (EP) has been consulted. That service has concluded that the level of noise from Calder Road traffic could mask some of the noise source associated with the normal operation of the school; accordingly, EP raised no objection to the proposal.

However, the additional daily traffic and characteristic school activities, such as outdoor play and gatherings, could be a source of noise that the planning authority would have no control over. Moreover, the authority could not seek to limit the number of students and the frequency of related activities.

In addition, whilst daytime traffic noise could provide some amelioration from the noise of the school, this would not be the case in the evenings, when ambient noise levels drop.

Given the nature of the proposed use, having regard to the anticipated daily number of visitors, its general characteristics and potential hours of operation, it is considered that the amenity of those in neighbouring residential properties would be detrimentally impacted on by way of noise and disruption.

The development would have a negative impact on neighbouring residential amenity and would not be in compliance with LDP Policy Hou 7 and NPF4 policy 23(e).

Transport & Parking

NPF4 Policy 13 aims to encourage sustainable travel and LDP Policies Tra 2 - Tra 3 sets out the requirements for private car and cycle parking. The Edinburgh Design Guidance (EDG) sets out car and cycle parking requirements.

The applicant has submitted a detailed transport statement and transport plan outlining the proposed modes of transport to the school within core hours, evening and weekends.

It concludes that the nature of the surrounding road network is sufficient to accommodate the likely traffic demands associated with the development.

Due to the significant traffic flows on the A71, cycling to school for children is not realistically feasible in terms of safety, although it would however be an option for staff. Walking is an option, albeit under supervision, and it would likely be in conjunction with bus travel or by drop-off to a nearby location.

A total of four car parking spaces, including one disabled bay, is proposed and this complies with the Council's parking standards which could allow a maximum of five parking spaces in Zone 3.

A covered secure cycle store will be provided in the rear area for 10 bicycles. In that case the proposal for cycle parking does not meet Edinburgh Guidance Standards as the requirement for the proposed primary school with maximum capacity of 100 pupils is 11 secure cycle parking spaces.

The Roads Authority was consulted on the application and raised no concerns, subject to a condition/informative.

The proposal complies with LDP Policies Tra 2 but does not comply with Tra 3.

Conclusion in relation to the Development Plan

The proposal is contrary to LDP Policy Hou 7, as it would have a detrimental impact on the amenity of neighbouring residents.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

The application has attracted 209 letters with objection and 629 letters in support.

Objection

material considerations

- Impact on neighbouring amenity - assessed in section (a)
- Increase in traffic and noise - assessed in section (a)
- Negative impact on standard of living for nearby - assessed in section (a)
- Detrimental impact on the neighbouring community - assessed in section (a)
- Impact on road safety/transport - assessed in section (a)
- Insufficient car parking and lack of disabled car park spaces - assessed in section (a)

non-material considerations

- Notification list not given to all those directly impacted on estate - a statutory publicity period was carried out and neighbour notification letters sent to all parties within a 20 metre radius.
- Proposal fails to comply with educational legislation.
- The building is unlikely to have adequate internal vertical circulation provision to meet the requirements for fire evacuation.
- The school is next door to the prison.
- Overcrowding of classrooms.
- Principle of religious education/segregation.
- Impact on house prices.

Support

- Good use of the building - assessed in section (a)
- Good benefit to the community and society at large - assessed in section (a)
- Supports Education provision - assessed in section (a)
- It will provide some employment - assessed in section (a)
- Positive impact on the area and surroundings - assessed in section (a)
- The proposal will create a sense of belonging - assessed in section (a)

Conclusion in relation to identified material considerations

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

Many of the comments relate to the religion of the users of the school and this is not material, as the proposal in land use planning terms is for a school only, and not a school for an identified end user.

Overall conclusion

The proposal does not comply with LDP Policy Hou 7 and NPF4 Policy 23, as it would have an adverse impact on residential amenity by virtue of noise and disruption.

There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas and NPF4 Policy 23 (Health and safety), as it would have an adverse impact on neighbouring residential amenity due to increase in noise and disruption.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 3 March 2023

Drawing Numbers/Scheme

01-04

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer
E-mail: veronika.myslowiecka@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objection.

DATE: 27 March 2023

NAME: Transport Planning

COMMENT: No objections subject to appropriate conditions and informatives:

1. 11 secure cycle parking spaces will be required for the proposed primary school with maximum capacity of 100 pupils
2. The applicant should consider developing a Travel Plan including provision of 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;

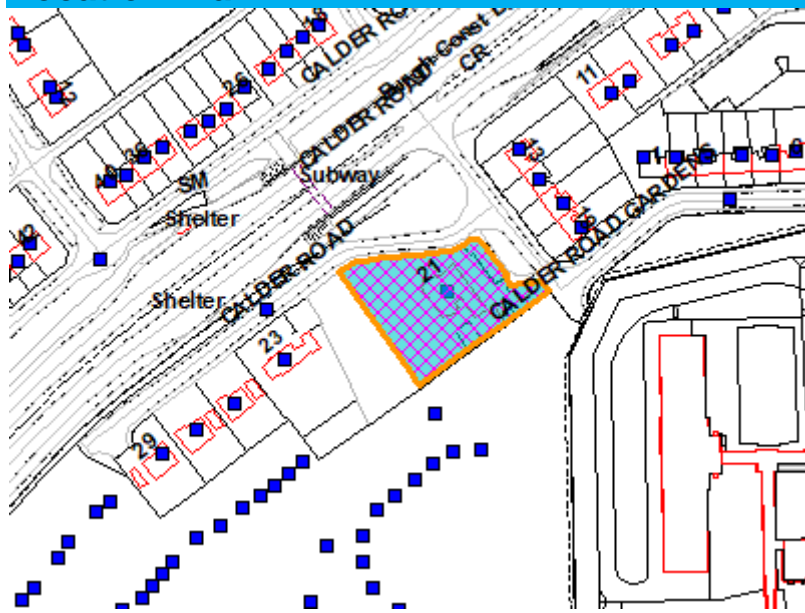
Note

- a) 4 car parking spaces including 1 disabled bay is proposed and complies with the Council's parking standards which could allow a maximum of 5 parking spaces in Zone 3.
- b) The one-way system will provide access to a disabled car parking space on the eastern elevation of the building and 3 staff parking spaces within a gated courtyard at the rear of the property. The one-way loop system will also operate as a drop off / pick up lane with storage up to 7 vehicles at any time.
- c) The proposed primary school will generate 44 vehicle trips during school start and 44 during the closing time. The applicant proposes to stagger both arrival and departure of the school period and this will lead to estimated 15 vehicular trips per 30 minute period.

DATE: 22 May 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission STL
113A Grove Street, Edinburgh, EH3 8AB**

Proposal: Change of use to short-term holiday let accommodation (in retrospect) for 3 months (June-August) of every calendar year. (Resubmission related to 23/01275/FULSTL).

**Item – Local Delegated Decision
Application Number – 23/03307/FULSTL
Ward – B09 - Fountainbridge/Craiglockhart**

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 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 loss of residential accommodation. The proposal does not comply with NPF policy 30(e) (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property is a three-bed flat on the ground floor of 113A Grove Street, Fountainbridge. It has its own main access door on to Grove Street and comprises three bedrooms, a kitchen/dining/ living area. The floor area is 110 square metres. There is a residential flat immediately above the property and there is no shared outdoor amenity space.

The surrounding area is mixed. There are residential properties on both sides of Grove Street. However, at this south end of Grove Street, there is also student accommodation, a late night pool hall and bar, a hotel and serviced apartments. Public transport is easily accessible from the site.

Description of the Proposal

The application seeks permission to change the residential use to short term let visitor accommodation from June to August (inclusive) of every calendar year. No internal or external physical changes are proposed. The property is currently used as a private residential let between September and May and as an STL between June and August. This STL use has been operating since 2019 therefore this application is retrospective. This application is a re-submission of planning application reference 23/01275/FULSTL which was refused. The material difference in this application is that the proposed description specifically states that the STL use is requested for 3 months only from June to August (inclusive).

Supporting Information

Planning Statement.

Relevant Site History

14/02548/FUL
113A Grove Street
Edinburgh
EH3 8AB
Change of use from workshop to residential dwelling
Granted
1 September 2014

23/01275/FULSTL
113A Grove Street
Edinburgh
EH3 8AB
Change of use to short-term let (in retrospect).
Refused
23 June 2023

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 31 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

The non-statutory 'Guidance for Businesses' (2023) is a material consideration that is relevant when considering change of use applications.

Proposed Use

With regards to NPF 4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (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 has its own main door access directly on to Grove Street.

The applicant has submitted a planning statement which refers to the NPF 4 policies. In terms of amenity, the statement supports the assessment of the previous application 23/01275/FULSTL whereby it was assessed that the impact of this STL would not have a further detrimental impact on neighbouring residential amenity.

The application site is at the south end of Grove Street where there is student accommodation, hotels, a late night pool hall and bar and serviced apartments. This results in an amenity level that is below that which would be experienced in other, quieter locations within the city centre. There are some residential properties in Grove Street, including above the application property, however the impact of this STL use would not have a further detrimental impact on neighbouring residential amenity given the noise levels created by the uses and resultant activities that exist within the vicinity of the application property.

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

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

Loss of residential accommodation

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

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 highlights that the property is only occupied by students for nine months of the year, and if not used as a short-term let for the other three months, it would be lying empty and not contributing to the local economy. The applicant lists the positive economic benefits arising from STL use, for three months only, as: -

- The applicant secures proportionally greater income from STL use from June to August, than if retained for student accommodation over the same period. This additional revenue can be fed back into the economy.
- STL guests staying from June to August will contribute more to the local economy than an empty student flat. Costs of servicing arrangements to the property will also contribute to the local economy rather than the property being vacant.

The applicant also submits extract reports from other planning authorities where demonstrable economic benefits are referred to.

The current lawful planning use of the property is for residential accommodation. The applicant states that the property is currently let to students. However, the distinction between whether this property is let to students, or any other tenant, does not alter the lawful residential use. The use of the property as an STL for a period of three months in the year would result in a material change of use of the property leading to a loss of residential accommodation. Given the recognised need and demand for housing in Edinburgh it is important to retain this, where appropriate.

Furthermore, it is important to recognise that residential occupation of the property contributes to the economy, in terms of providing a home and the spend in relation to the use of the property as a home, including the use of local services and resultant employment, as well as by making contributions to the local community.

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).

Car Parking

There is no vehicle parking and no cycle parking. Zero parking is acceptable as there is no requirement for cycle parking for STLs. Cycles could be parked inside the property.

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

Conclusion in relation to the Development Plan

The change of use of this property to an STL is acceptable with regard to neighbouring amenity. However, 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 loss of residential accommodation. The proposal complies with NPF 4 policy 30(e) part (i) and LDP policy Hou 7 but does not comply with NPF 4 policy 30(e) (ii).

b) 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:

Two contributors: One objection.
One petition with 28 signatures in support of the application.

material considerations - objections

- Negative impact on housing stock. Addressed in a) above.
- Does not comply with NPF 4 policy 30 (e) (ii). Addressed in a) above.

non-material considerations - objections

- Overprovision of tourist accommodation in the area. This application has to be considered on its individual merits.

material considerations - in support

- Provides economic benefits all year round. Addressed in a) above.
- Provides much-needed holiday accommodation. Addressed in a) above.
- Can contribute to the local economy during tourist season rather than lying empty. Addressed in a) above.

non-material considerations - in support

- Is in the best interests of the proper planning and development of the area. This is not a material planning consideration.

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 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 loss of residential accommodation. The proposal does not comply with NPF policy 30(e) (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to National Planning Framework 4 Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 28 July 2023

Drawing Numbers/Scheme

01, 02

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

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Development Management Sub-Committee Report

Wednesday 20 September 2023

Application for Planning Permission

Wester Hailes Education Centre, 5 Murrayburn Drive, Edinburgh

Proposal: Erection of Secondary School building with associated hard and soft landscaping and car-parking.

Item – Committee Decision

Application Number – 23/01308/FUL

Ward – B02 - Pentland Hills

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Council is the applicant and the works are more than minor routine operations. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal complies with the development plan, i.e., NPF4 and LDP. It will deliver a sustainable, well designed development on a brownfield site that minimises environmental impact. The design is high quality and will sit comfortably within its surroundings. The use will contribute to local living and is consistent with the six qualities of a successful place. The development will be sustainable by contributing to climate adaptation and mitigation and to active travel routes and the use of sustainable transport modes. There will not be an adverse impact on historic assets, flooding or neighbouring amenity. Although there will be some impact on biodiversity and the natural environment, mitigation will be achieved such as through landscaping including tree planting. The principle of development is acceptable and there are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is the WHEC (Wester Hailes Education Centre), a secondary school and community hub on the west side of the city. The building dates from the 1970s (opened in 1978) and the school shares the site with community facilities such as a swimming pool and gym. The area around the school is designated open space.

The main entrance to both the school building and the community facilities is shared. Vehicular access is from one entrance at the east end of the site, from Murrayburn Drive, giving access to a car park and service areas. The site is connected by paths, such as from the canal towpath, is near to bus stops and main vehicular routes.

To the west is a 3G sports pitch and beyond that more open space. The Union Canal, a scheduled monument and local nature conservation site, sits to the south of the school with trees and shrubs forming the southern boundary between the canal and the school. To the north, north east and south (beyond the Canal) there is housing. A car park is also to the north and a pedestrian underpass to the east below Wester Hailes Road which is a dual carriageway. The application site sits below the level of Wester Hailes Road and the Union Canal. Westside Plaza which is the main town centre for the area is located nearby to the south east.

Description of the Proposal

It is proposed to build a Passivhaus Certified school building and demolish the existing education buildings. The building will be designed to accommodate a school roll of 800 pupils with a future expansion strategy for 1200 pupils.

The proposed new high school building will be positioned to the south east of the school site. It will be rectangular with the longer elevations facing over the Canal to the south and to the community block to the north. The building will be four storeys high with a flat roof. Elevations will consist mostly of windows and render with other materials and colours used to emphasise features, e.g., protruding stairwells.

Materials proposed are polyester powder coating (PPC) finish on metal/timber composite window frames for triple glazed windows and triple glazed curtain walling, PPC aluminium doors and louvres, copes, downpipes and rainwater hoppers, light buff clay brickslips, render, aluminium cladding in copper and terracotta, ceramic clay cladding in grey and terracotta.

A new playground area will be formed to the south between the proposed building and the canal. Part of the southern boundary will be removed, and a pedestrian link created between the pupil entrance to the new school building and the canal towpath. This will be in the form of both a ramp and stairs.

To the west of the new building the grounds will form a play space and also be landscaped to include a woodland play zone, allotments, an orchard, social/outdoor learning space, play equipment and an outdoor gym. The existing grass embankment will be retained.

A total of 108 cycle parking spaces and 45 vehicle parking spaces are proposed over the application site. These will be in different locations, to the east and west of the site.

The existing car park space at the front of the WHEC will be reconfigured to provide ramped access to the entrance door, two disabled persons parking bays, staff cycle storage (20 spaces), visitor cycle parking (8 spaces) and 4 drop off/visitor parking spaces. Landscaping in this area is also proposed. Cycle parking for pupils is also proposed to the east of the proposed building providing 40 spaces.

A new access road is proposed from Murrayburn Drive, to the north west, to give access to car parking, cycle storage and community spaces.

The existing car park to the west will be relocated further southwards and the vacated space will be turned into an area for community allotments and also an orchard. The relocated car park will be accessed from the new access road and will provide 39 spaces. A new pedestrian link from the car park to the new access and adjacent sports facilities will be provided.

The proposal forms the second phase of a project to improve the WHEC which will consolidate the education facilities into one building with shared community facilities retained in the existing community centre building.

The regeneration of the school and community site is a key element in the Council's wider development and regeneration programme for Wester Hailes. A masterplan is currently in development which will establish a comprehensive phased approach to regenerate the area over the next 10-15 years. Phase 1 of the WHEC regeneration has seen the delivery of an all weather sports pitch and improvements to the sports and community building located on the north side of the site (referred to in the documents as Block A).

Supporting Information

Design and Access Statement
Heritage Statement
Arboricultural Report
Landscape Maintenance Schedule
Outline Landscape Specification
Preliminary Ecology Appraisal Report
Bat Activity Survey
Surface Water Management Plan
Flood Risk Assessment
Transport Statement
PAC Report

Relevant Site History

22/06013/PAN
Wester Hailes Education Centre
5 Murrayburn Drive
Edinburgh
EH14 2SU

The project is to deliver a new 800 pupil high school building, it aims to consolidate the

educational facilities into one building, allowing for community use whilst retaining shared facilities in the existing community centre building.

Pre-application Consultation approved.

16 December 2022

23/00799/SCR

Wester Hailes Education Centre

5 Murrayburn Drive

Edinburgh

EH14 2SU

Request for formal EIA screening opinion in relation to the proposed Wester Hailes Education Centre/High School.

EIA Not Required

22 March 2023

22/06181/PND

Wester Hailes Education Centre

5 Murrayburn Drive

Edinburgh

EH14 2SU

Prior notification for demolition of buildings.

Submission not Required

17 January 2023

Other Relevant Site History

98/02080/FUL

Union Canal To Rear Of:

5 Murrayburn Drive

Edinburgh

EH14 2SU

Wester Hailes EDINBURGH Parkland & educational playing field areas

Granted

27 January 1999

20/01132/FUL

Change of existing grass pitch to new 3G pitch, replacement of existing flood light with new LED flood lights, new fencing and associated hardstanding around perimeter

Granted

30 June 2020

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Wester Hailes Community Council

HES

Scottish Water

SEPA

Flood Planning

Waste and Cleansing

Transport Planning (Roads Authority)

City Archaeologist

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

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

- NPF4 Sustainable Places policies 1, 2, 3, 4, 5, 7, 9, 12, 13
- Liveable Places policies 14, 15, 22, 23,
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10
- LDP Environment policies Env 12, Env 15, Env 16, Env 21
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 9

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering design, environment and transport policies.

Principle of Development - Proposed Use

The proposed use is for a school on land already used for a school. Therefore, the use is established, and the principle of development is acceptable.

Historic Assets - Scheduled Ancient Monument

Scheduled Ancient Monument - Union Canal

Historic Environment Scotland (HES) has no comments on the proposed development in terms of its potential impacts on the setting of the Union Canal, Fountainbridge to River Almond, Scheduled Monument.

However, it drew attention to the fact that the Scheduled Monument designation is not defined by the current course of the canal and that the south west corner of the application site contains part of the scheduled monument. It stated that, "The scheduled monument is intended to protect the below-ground remains of the canal as originally constructed and therefore the scheduled area does fall within the application site."

HES highlighted that the proposed compound area, as outlined in the Design and Access Statement, would appear to be adjacent to or overlap the scheduled area and advised that any compound area should avoid the scheduled area. It recommends that the scheduled area of the original canal be appropriately demarcated on site during construction works and outlined on documentation supplied to contractors and others working on site to ensure that inadvertent damage is not caused to below-ground remains. The location of the Site Compound was changed, in the updated Design and Access Statement, to mitigate risk to the Scheduled Monument. An appropriate condition and informative are, therefore, recommended to ensure remains are protected.

Archaeology

The City Archaeologist has advised that the construction of the new school building occurs off the line of the scheduled area and within an area significantly affected by modern construction of the school. Therefore, it is unlikely that significant archaeological remains will have survived and be impacted upon by the construction of

the new building. It is considered that the new scheme will not adversely impact upon the setting of the adjacent scheduled monument.

However, the proposed siting of the construction compound may overlay and impact upon the scheduled area for the Union Canal. To protect the remains during construction work, it is recommended that a condition be used requiring a programme of archaeological work, consisting of a combination of design and marking out the area of the remains to avoid any unnecessary impacts. Archaeological monitoring may be required in this area.

The proposal will not impact on the setting of the Scheduled Monument and the use of conditions and informative will ensure that direct impacts on the scheduled monument are avoided. Therefore, the proposal complies with NPF4 policy 7(h).

Climate Mitigation and Adaption

NPF 4 policy 1 (Tacking the climate and nature crises) states that when considering all development proposals significant weight will be given to the global climate and nature crises. NPF 4 policy 2 (Climate mitigation and adaptation) intends to encourage, promote, and facilitate development that minimises emissions and adapts to current and future impacts of climate change.

The proposal will use previously developed land. It will be designed to enable additional pupil capacity to be accommodated without extending the building and, thus, not encroach into parts of the site not previously built on. This is compatible with NPF4 Policy 9 which aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The Passivhaus design will minimise energy use and, as such, the building will be energy efficient. Solar panels will be installed on the roof, cycle parking will be provided, and hard landscaping areas will be porous. Pedestrian and cycle routes to the site offer non-emission modes of travel. The proposal will be sustainable and comply with NPF4 policies 1 and 2.

Demolition of the existing school buildings has been considered separately under 22/06181/PND. The planning authority has determined that the submission of a planning application is not required because planning permission is not required to demolish the buildings. Therefore, demolition can be undertaken without providing further information, such as carbon capture data information.

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. As identified on SEPA online flood risk maps, the site does not have any specific surface water, river or coastal flood risk. The submitted flood risk assessment and drainage strategy has been reviewed by flood planning. No objections have been received, following receipt of additional drainage information including above ground SUDs features, drainage flows and infiltration testing.

SEPA have commented that the proposal appears to fall below the threshold for offering site specific advice. They have referred to their standing advice in regard to use of private waste water drainage and potential distillery operations. Informatives have been included on these matters to draw the applicants' attention to potential requirements under separate regulations. In light of the above, the proposal complies with LDP policy Env 21 and NPF 4 policy 22.

The proposal will be sustainable and addresses the global climate emergency and nature crisis. It will minimise emissions and adapts the site to the current and future impacts of climate change. As such, the proposal complies with NPF4 policies 1, 2, 9 and 22 and with LDP policies Env 21.

Natural Environment - Biodiversity and Sustainability

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

The canal corridor is a Local Nature Conservation Site and LDP policies Env 15 (Sites of Local Importance) and Env 16 (Species Protection) are also applicable to ensure that there is no adverse impact on flora, fauna, landscape or geological features or on protected species.

Landscaping will be enhanced, for example, with the provision of more and better variety of plants, shrubs and trees which will contribute to biodiversity and biodiversity networks. An informative is recommended in relation to swift bricks.

Felled trees within the application site will be replaced with new trees including the planting of a woodland. In terms of the removal of part of the current shrub and tree boundary along the south of the site next to the Union Canal, more openness between the school and canal will improve the relationship and links between them both and enhance the cycle and pedestrian routes to the school. The presence of the canal will, therefore, be incorporated into the proposal as per LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features). Integrity of the area and its qualities will not be significantly adversely affected by removal of a short length of the shrubs and trees on the boundary of the nature corridor along the canal. Trees and landscaping proposed on the application site will provide mitigation for the loss of the green boundary and, thus, comply with LDP policy Env 12.

In addition, the creation of an improved relationship with the school site will bring social and environmental benefits for pupils and other community user groups of the wider WHEC site. As such, this is acceptable in regard to NPF 4 policy 3 d). In these circumstances the removal of part of the southern shrub and tree boundary is acceptable.

NPF 4 policy 5 (Soils) intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development. The proposal will minimise soil sealing through use of porous materials and soft landscaping. In addition, it will be on land which has previously been disturbed by development. In this respect, the proposal seeks to minimise the level of disturbance to soils from the development therefore does not conflict with NPF 4 policy 5.

Design Quality and Place

NPF4 policy 14 (Design, quality and place) intent is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle. It aims to deliver quality places, spaces and environments and places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. LDP policy Des 3 (Development Design - Existing and Proposed Features) requires development to demonstrate existing characteristics and features worthy of retention have been incorporated. LDP policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site, and the materials and detailing.

The building will sit lower than most of the immediate surrounding area and in a site containing a four storey building. Therefore, its four storey height will not be overbearing within the surrounding context. It will become a landmark building in the wider area and in terms of the regeneration of Wester Hailes. Hence, it will contribute to a sense of place and retain the philosophy of the integrated community and education facilities of the WHEC.

The proposed building will be of a high quality design using modern materials. The design makes use of contrasting colours and materials to compliment the largely white render and glazed elevations. Materials will be compatible with those of nearby buildings and the proposed building will sit comfortably within its surroundings.

The proposal will contribute to the six qualities of successful places. It will create a pleasant place with an attractive building and landscaped environment. The architecture will provide identity and the building will be adaptable and sustainable. In terms of the design concept, improved connections will make it easier to move around on foot and by bicycle and reduce car dependency. Changing the relationship with the canal will contribute to personal and community safety. Education facilities will support women's safety and improve physical and mental health. Therefore, the proposal complies with NPF14 b). The proposal will continue to provide secondary school in a local area near housing and Westside Plaza Local Centre CHECK. The education facilities will have pedestrian and cycle connections as well as being near public transport facilities. Therefore, it will contribute to local living as promoted in NPF4 policy 15.

Regeneration and Local Place Plan

A development and regeneration framework is being prepared to transform Wester Hailes over the next 10-15 years. The ambition is for Wester Hailes to become a model 20 minute neighbourhood in Edinburgh to support the development of a strong local community network, with easily accessible services and facilities for all residents. It will also look at how opportunities around the Union Canal can be realised. The proposed new school is a key element in the regeneration of Wester Hailes. It will improve its

connection to the Union Canal and improve connections and access routes to the school campus including to the proposed West Edinburgh Link project which will create new walking and cycling routes. Some initial phase 1 works have been carried out on the school campus. These include the provision of a full-size, floodlit all-weather sports pitch and improvements to the sports and community block. The proposed school is compatible with the emerging regeneration framework.

Wester Hailes Local Place Plan was registered with the City of Edinburgh Council in May 2023. Its status means that the Council must take the Local Place Plan (LPP) into account prior to any new development proposals. The LPP includes Proposed Projects and a Delivery Action Programme which includes physical improvements. It has taken on board the concept of 20-Minute Neighbourhoods as the basis for its proposals. The new high school and associated works such as opening up to the canal and towpath, improving connections and active travel routes to the site fit in with the aspirations of the LPP and its physical projects and delivery action programme. The proposal will also provide opportunities for outdoor community spaces, outdoor sports/ activity areas, spaces that everyone can use and food growing spaces for pupils that are also included in the LPP.

The proposal will contribute to regeneration and the aspirations of the Local Place Plan.

Amenity

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

The proposal will not introduce any new overlooking to residential properties and almost all of the overshadowing will fall on the application site. There are no concerns regarding outlook or sunlight. As the proposed use is the same as the existing use, it is expected that the noise, odours and behaviours will be as expected from a school.

Therefore, there are unlikely to be any issues in terms of increased noise, odour or anti-social behaviour. Other legislative regimes are responsible for dealing with such matters.

Transport and Parking

NPF 4 policy 13 aims to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably. LDP Policies Tra 2 - Tra 4 set out the requirements for private car and cycle parking. The Council's Parking standards are set out in the Edinburgh Design Guidance.

The Roads Authority (Transport) has advised that it has no objections to the proposal subject to conditions or informatives as appropriate relating to a Travel Plan, Disabled Persons Parking Places and SUDS maintenance schedule.

The proposed 39 staff car parking spaces of which 7 spaces are both EV and accessible bays complies with the Council's parking standards which allows a maximum of 40 car parking spaces.

Additional 6 visitor car parking spaces including 2 accessible spaces to be provided is considered acceptable. These 2 accessible spaces will also be EV. The proposed levels of parking will see a reduction from 60 existing spaces to 45 spaces.

A total of 108 cycle parking spaces including 8 visitor spaces are proposed and meets the minimum requirement of 89 spaces for the 800 students. It is recommended that the applicant include/provide cycle spaces able to accommodate different bike user needs e.g., cargo bikes. The proposed southeast access will link with the Canal Tow Path / NCR754 via both stepped and ramped connections, leading north towards the existing east access. This will improve the choice of active travel routes to the site.

The proposal will encourage active travel to the site and improve connections and links to existing core path infrastructure.

The proposal complies with NPF4 Policy 13 and LDP policies Tra 2 - Tra 4.

Waste

NPF 4 policy 12 intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. There is an existing waste strategy for the WHEC site. A bin store with recycling bins will be included in the scheme and swept path analysis has been provided to show that the refuse lorries will be able to access it. The developer, in this case the Council as Education Authority, will be responsible for complying with the relevant legislation.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the development plan, i.e., NPF4 and LDP. The principle of development is established and acceptable. The proposal will be sustainable and contribute to climate adaptation and mitigation. Design of the building and its landscape setting will sit comfortably within the surrounding area, create a sense of place and contribute to local living. There are no historic assets or transport issues, with the use of conditions, no flooding issues and no adverse impact on neighbouring properties. The proposal fits in with the wider development and regeneration framework in Wester Hailes and accords with the Local Place Plan. The proposal is acceptable.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. Ramps will be installed to the front (main) and rear (pupil) entrances and the building will have three lifts. Two disabled persons parking spaces will be positioned near the proposed main entrance to the school with level access from the parking to the entrance. Proposals which will contribute to health and wellbeing include outside gym, allotments and social space.

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: One public comment was received which was from RSPB.

material considerations

biodiversity enhancement and protection - birds - install/incorporate swift nest bricks; make installation of a minimum of 20 swift nest bricks a condition of any planning consent.

non-material considerations

none.

Conclusion in relation to identified material considerations.

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

Overall conclusion

The proposal complies with the development plan, i.e. NPF4 and LDP. It will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is high quality and will sit comfortably within its surroundings. The use will contribute to local living and is consistent with the six qualities of a successful place. The development will be sustainable by contributing to climate adaptation and mitigation and to active travel routes and the use of sustainable transport modes. There will not be an adverse impact on historic assets, flooding or neighbouring amenity. Although there will be some impact on biodiversity and the natural environment, mitigation will be achieved such as through landscaping including tree planting. The principle of development is acceptable and there are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of development, the scheduled area of the original canal shall be appropriately demarcated on site and the demarcation to be in place during construction works.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (preservation, excavation, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Responsibility for the execution and resourcing of this programme of archaeological mitigation lies with the applicant.

4. Prior to the occupation of the school building, cycle spaces shall be provided to accommodate different bike user needs e.g. cargo bikes, scooter parking spaces and bicycle storage shall be provided within the building.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that inadvertent damage is not caused to below-ground remains.
3. In order to secure the protection of the scheduled remains.
4. In order to comply with Edinburgh Design Guidance Factsheets and encourage sustainable travel modes.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No trees, bushes or shrubs to be removed during bird nesting season and works to be stopped if a nest is found.
4. European protected species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS. Should EPS be found before or during construction works, NatureScot must be informed as an European Protected Species licence may be required.
5. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
6. The Canal Scheduled Monument shall be outlined on documentation supplied to contractors and others working on site prior to the commencement of development to ensure that inadvertent damage is not caused to below-ground remains. Should any works be required within the scheduled area of the monument it is likely that scheduled monument consent would be required and early pre-application discussions with HES are recommended. Archaeological monitoring may be required in this area of the Scheduled Monument.
7. Note the requirement for trade waste producers to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities.
8. The applicant should consider developing a Travel Plan including provision of 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.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with

Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

10. It is recommended that 20 swift nest brick be incorporated below but close to the roofline. A minimum of 1 nesting brick should be provided for every 5m of building frontage, with bricks clustered where possible in groups of 3 or more, with approximately 1m between entrance holes.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 27 March 2023

Drawing Numbers/Scheme

01-30.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Wester Hailes Community Council

COMMENT: Thank you for contacting the Wester Hailes Community Council. Unfortunately, our community council did not receive a sufficient number of nominations for community councillors at the Community Council elections held in September 2019. Because of this, the Wester Hailes Community Council has NOT been reconstituted in the current term starting October 2019.

DATE: 12 April 2023

NAME: HES

COMMENT: We have no comments on the proposed development in terms of its potential impacts on the setting of the above scheduled monument.

DATE: 24 April 2023

NAME: Scottish Water

COMMENT: Standard wording response:

Thank you for contacting Scottish Water, Development Operations, Planning Team, we have received your enquiry and will assess this and action accordingly.

No further or detailed comments received.

DATE: 12 April 2023

NAME: SEPA

COMMENT: We consider this as like-for-like replacement and we have no objection on flood risk grounds.

DATE: 21 April 2023

NAME: Flood Planning

COMMENT: Final Consultation Response 23 August 2023:

Thank you for the additional information. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 23 August 2023

NAME: Waste and Cleansing

COMMENT: Waste Services would not provide calculations for the bin capacities for a school since these requirements vary widely depending on the functions at the school.

DATE: 14 April 2023

NAME: Transport Planning (Roads Authority)

COMMENT: No objections to the application subject conditions or informatives as appropriate relating to a Travel Plan, Disabled Persons Parking Places, cycle parking and a maintenance schedule for the SUDS infrastructure.

DATE: 25 April 2023

NAME: City Archaeologist

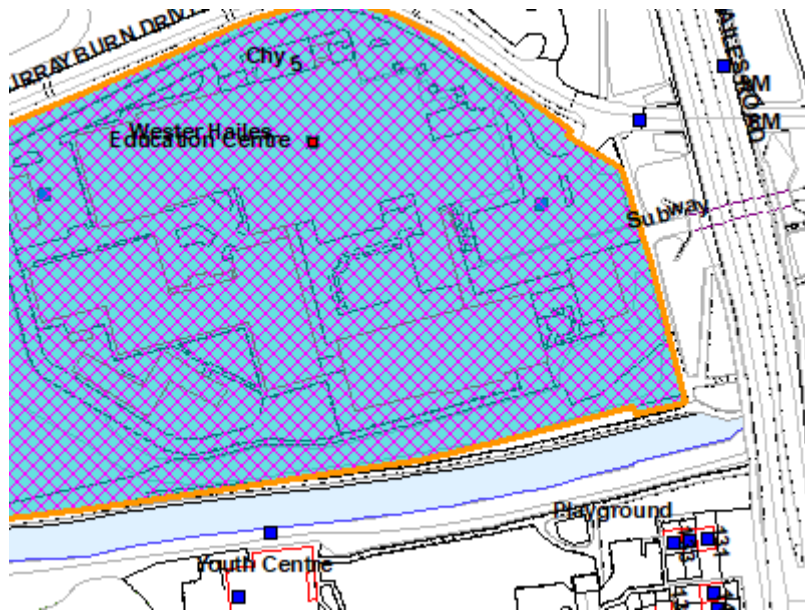
COMMENT: It has been concluded that it is unlikely that significant archaeological remains will have survived and be impacted upon by the construction of the new school

building. However, the proposed siting of the construction compound may overlay and therefore impact upon the scheduled area for the Union Canal.

In order to secure the protection of the scheduled remains, it is recommended that a condition requiring a programme of archaeological work is attached to this application.
DATE: 19 April 2023

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

Location Plan



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Development Management Sub Committee

report returning to Committee - Wednesday 20 September 2023

Application for Planning Permission in Principle 21/01163/PPP

**at Salamander Street/Bath Road, Edinburgh, EH6 7JZ.
Demolition of existing buildings and erection of mixed-use
development comprising flatted residential, office and
commercial floorspace with associated access
arrangements, parking, landscaping and ancillary works
(as amended scheme 3)**

Item number

Report number

Wards

B13 - Leith

Recommendations

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

Background information

This application was approved at the Development Management Sub-Committee on 7th December 2022 subject to a Legal Agreement to secure the provision of affordable housing, and financial contributions for transport actions, tram, education and health infrastructure as well as planning conditions and informatives. The application was considered again at Development Management Sub Committee on 7th June 2023 to extend the period for conclusion of the s75 legal agreement by a further three months and to consider the application in relation to NPF4 policies and the revised LDP Action Program (April 2023). The application was minded to grant subject to conditions, informatives and a s75. The legal agreement is close to conclusion but not finalised. As the legal agreement has taken slightly longer to conclude, the application is required to be presented to the Development Management Sub-Committee to allow conclusion of the legal agreement. If Committee accept the recommendation, then a further three months is required to conclude the Section 75 Agreement, and enable the planning permission to be released.

Main report

Legal Agreement:

There are no new material planning considerations which affect the Development Management Sub-Committee decision on 7th June 2023, where it was minded to grant this application subject to a legal agreement being concluded to secure the necessary contributions towards education, transport, health and affordable housing provision.

Progress has been made in negotiating the terms of the legal agreement. Due to the complexities of the site, this has been time consuming. Discussions have reached a point where it is considered that a further three month extension to the period will allow the legal agreement to be concluded.

If Committee accept the recommendation, then a further three months is required to conclude the Section 75 Agreement, and enable the planning permission to be released.

Links

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=QPN50SEWJJQ00>

Or [Council Papers online](#)

David Givan
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Development Management Sub-Committee Report

Wednesday 20 September 2023

**Application for Planning Permission
11A James' Court, 493 Lawnmarket, Edinburgh.**

Proposal: Proposed refurbishment of and extension to the existing retail /store unit.

**Item – Committee Decision
Application Number – 23/00491/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because forty letters of representation have been received of these twelve in objection to the proposals and 28 in support. The history of the site includes a previous refusal of planning permission where one of the reasons was loss of outlook. Given the scheme isn't changing in that respect, under the Council's Scheme of Delegation , the application must be determined by the Development Management Sub Committee.

Recommendation

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

Summary

The proposals would preserve the character and appearance of the Old Town Conservation Area and the character and setting of nearby listed buildings, thereby acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the Edinburgh Local Development Plan and the Council's non-statutory guidance. The increase in retail floorspace is supported in this part of the city. No other material considerations outweigh this conclusion. It is recommended that planning permission is granted.

SECTION A – Application Background

Site Description

The site lies to the north of the Lawnmarket, within James Court and forms part of a group listing for 497-499 Lawnmarket, 7 and 11 James Court. The group is Category B listed and was listed on 14.12.1970 (LB ref 29235).

The site is a single storey building, which is in retail / storage use. The building is finished in white render, with a pitched slate roof. There is no connection between the building and the main tenement, the ground floor of which is also in retail use. The site is accessed independently from Lady Stairs Close.

The immediate area within James Court is characterised by tenemental buildings and hard landscaping. The wider surroundings have a mix of uses, being predominantly residential at the upper floors, with a variety of commercial ground floor uses.

A tenement building is situated to the east at 491-495 Lawnmarket, 3 and 5 James Court. The group is Category A listed and was listed on 14.12.1970 (LB ref 29234).

The site is within the Edinburgh World Heritage Site and the Old Town Conservation Area.

Description of the Proposal

The application proposes the refurbishment of and extension to the existing retail store.

The ground floor of the building would be extended 2.4 metres to the east creating a ground floor area of 69.5 square metres. A mezzanine level would also be formed with a floor area of 25.1 square metres.

The existing roof would be increased in height by approximately 2 metres with flat roof dormers added to each of the roof planes. The proposed materials are reused slate roofing and stonework. The existing windows on the west elevation would be infilled with plain rendered panels.

Supporting Information

Covering letter and supporting statement
Design Statement
Updated Planning Statement

Relevant Site History

21/04237/FUL
11A James' Court
493 Lawnmarket
Edinburgh
EH1 2PB
Proposed refurbishment of and extension to the existing retail/store unit at 11A James

Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket.

Refused

30 August 2022

21/04238/LBC

11A James' Court

493 Lawnmarket

Edinburgh

EH1 2PB

Proposed refurbishment of and extension to the existing retail/store unit at 11A James Court including provision of ancillary coffee bar, external seating area and formation of a connection to the existing retail unit at 497 Lawnmarket.

Refused

30 August 2022

23/00492/LBC

11A James' Court

493 Lawnmarket

Edinburgh

EH1 2PB

Proposed refurbishment of and extension to the existing retail /store unit.

Other Relevant Site History

No other relevant cases

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Archaeology

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 9 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 February 2023

Site Notices Date(s): 14 February 2023

Number of Contributors: 40

Section B - Assessment

Determining Issues

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change Setting
- Managing Change Roofs
- Managing Change Extensions
- Managing Change Interiors
- Managing Change External Walls

The proposal relates to previous applications which were refused for both listed building consent (21/04238/LBC) and planning permission (21/04238/FUL). The proposal has been modified and no longer include an external seating area.

Although the roof would be increased in height, it would remain subservient to the main building. It would be connected to the main building by a lower pitched roof, which would be a sympathetic and modest addition. The proposal would preserve the character of the building and would not challenge or diminish the setting of the neighbouring listed buildings. The dormers would be appropriately designed and scaled features and would create an interesting visual juxtaposition with the rest of the building.

The vaulted basement would be retained and the render from the older north and west walls would be removed to expose the stonework. New full height windows would be formed on the rear elevation facing into the courtyard area, retaining the vertical proportions of the tenement windows.

The internal alterations proposed are minor and respect the original architectural style. They would not result in the loss of any significant historic fabric.

The visual impact of the proposed changes to the building would not dominate or detract in a way that affects existing courtyard setting of the Category A listed buildings.

Conclusion in relation to the listed building

The proposals are acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the proposals preserve the character and setting of the listed buildings.

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

The site lies in the Old Town Conservation 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 proposal retains the single storey element of the existing building and creates a new mezzanine level by the formation of flat roofed dormers on the roof planes. These are contemporary in design but tie in with the character and appearance of the Old Town Conservation Area, where modern additions sit comfortably on elevations of buildings in the Old Town contributing to the evolving character of the area. The materials of slate and exposed stonework reflect the materials on surrounding buildings and provide a sense of unity. The proposed alterations would be architecturally compatible in design, scale and materials with the original building.

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, and the proposals preserve the character and appearance of the conservation area.

a) The proposals comply with the development plan?

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

- NPF 4 Global Climate and Nature Crises Policy 1
- NPF 4 Historic Assets and Places Policy 7
- NPF 4 Design Policy 14
- NPF 4 Community wealth building Policy 25
- NPF 4 City, town and local and commercial centres Policy 27
- LDP Delivering the Strategy Policy Del 2
- LDP Design Policies Des 1, Des 5 and Des 12

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

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering NPF 4 Policy 27 and LDP Policy Del 2.

Listed Building and Conservation Area

This is assessed in sections a) and b) and the proposal complies with NPF4 Policy 7 as the proposal would preserve the character, special architectural or historic interest of the building. In addition, it would preserve the character and appearance of the conservation area.

Impact on the Edinburgh World Heritage Site

Although the proposed development would be located back from the Lawnmarket, it would be within James Court, a prominent and unusual large open area, being set within the broader context of the tightly formed and dense Old Town.

The form of the development would create a modest addition to the building. It would avoid intruding into the open area to an unacceptable degree and would, therefore, respect the spatial character of the court. The proposal would have no adverse effect on the Outstanding Universal Value of the Edinburgh World Heritage Site and would comply with NPF 4 Policy 7.

Principle of Development

NPF 4 Policy 1 aims to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change. The proposal is neutral in the impact on sustainability and the environment, and thus complies with NPF4 Policy 1.

The proposals are for an extension to the existing retail use and seek to improve the attractiveness of the site. The development would improve the vitality of the site and surrounding area.

The proposed development is in accordance with NPF 4 Policies 25, 27 and LDP Policy Del 2.

Scale, Design and Materials

The design and form of the proposals are compatible with the character of the building and would not adversely affect the character and appearance of the surrounding area.

The proposal is in accordance with NPF 4 Policy 14 and LDP Policies Des 1 and Des 12.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted where it can be demonstrated that the amenity of neighbouring properties is not adversely affected in relation to noise, daylight, sunlight, privacy or immediate outlook.

Since the previous refusals, the proposal no longer includes an external seating area reducing the potential for external noise within the courtyard area.

The site is bounded by tenemental buildings, with residential properties at upper floor levels. Details have been submitted which confirm that these properties would have no reduction in daylighting and only ground floor windows would be affected by increasing the height of the roof.

There is a residential property to the east of the site at ground floor level which has four windows overlooking the site. These windows already have reduced daylighting as they face onto the blank elevation of the retail unit. The proposal would result in one of these windows not meeting the requirements for daylighting as set out in the Council's Edinburgh Design Guidance. Whilst it is acknowledged that there will be a loss of light into this room, the daylighting from the other windows and open plan nature of the room will ameliorate any loss of light. Reasonable levels of sunlight will be achieved complying with the Edinburgh Design Guidance.

Given the historic and organic character of the Old Town and the circumstances of this particular situation, the impact on daylighting is acceptable. To avoid overlooking from the east facing dormer window, it is recommended that a condition is attached requiring obscure glazing.

The proposal is in accordance with LDP Policy Des 5.

Archaeology

The City Archaeologist has confirmed that the site lies within an area of potential archaeological significance. A condition is recommended requesting that an archaeology survey is undertaken.

The proposals are in accordance with NPF 4 Policy 7.

Conclusion in relation to the Development Plan

The proposal complies with National Planning Framework 4 and Edinburgh Local Development Plan as the proposal would have an acceptable impact on the integrity of the listed building, an acceptable impact on the character and appearance of the conservation area and the proposal includes additional retailing in the city centre.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A total of 40 representations have been received. Of these contributors 12 object to the proposal and 28 support the proposal.

A summary of the representations is provided below.

material considerations - objections

- size of windows /doors in rear elevation are too big and detract from the area
- size of doors allows shoppers out onto James Court
- the proposal would turn James Court to busy area like Lawnmarket
- distance to Bothwell House A listed
- reduce light into property
- detrimental to setting of surrounding listed buildings
- loss of daylight to Bothwell House
- new windows in rear elevation overlook James Court
- loss of historic fabric
- raise roof height - loss of original roof

material considerations - supporting

- additional retail space in a city centre location
- enhances courtyard spaces
- contemporary improvement
- proposal represents an improvement to the existing building
- the proposal enhances the conservation area
- enhance vitality of the area

non-material considerations

- the distance between the extension and existing building to east would make maintenance of the building a problem - this is not a planning issue.
- proposal building would block main drain
- not sufficient width between building to east to allow maintenance to tenement
- blocks view from surrounding tenements
- obstructing escape from Bothwell House in the event of fire

Conclusion in relation to identified material considerations

There are no other issues raised in the material considerations.

Overall conclusion

The proposals would preserve the character and appearance of the Old Town Conservation Area and the character and setting of nearby listed buildings and would be acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, National Planning Framework 4, the Edinburgh Local Development Plan and the Council's non-statutory guidance.

The development would form an appropriate addition to the area and would not have an unacceptable impact on neighbouring residential amenity. No other material considerations outweigh this conclusion. It is recommended that planning permission is granted.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological and conservation work (Historic building recording, excavation, conservation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. The approved east facing dormer shall be fitted with obscure glazing before occupation of the extension and remain in perpetuity. Details of the glazing shall be submitted to the Planning Authority for approval prior to the initiation of development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to protect the privacy of adjoining neighbours.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 February 2023

Drawing Numbers/Scheme

1-13

Scheme 1

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

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objections

DATE: 18 April 2023

NAME: Archaeology

COMMENT: The building is regarded as being historic and archaeological significance. The proposals will require significant works to the surviving historic building which may reveal important evidence regarding its date and development. It is essential that a detailed programme of archaeological work is undertaken during development to record this historic building and ensure conservation/preservation are undertaken.

DATE: 21 February 2023

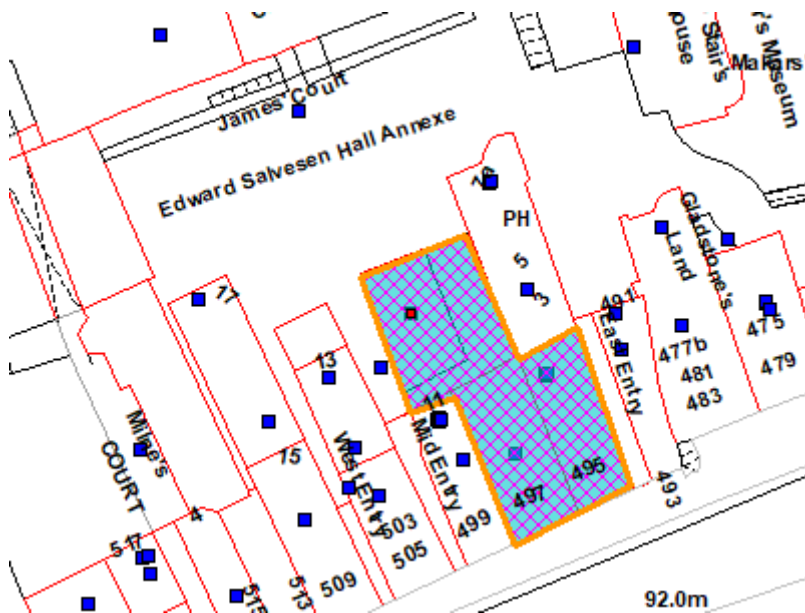
NAME: Historic Environment Scotland

COMMENT: We have considered the information received and do not have any comments to make on the proposals

DATE: 21 March 2023

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

Location Plan



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