

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 4th October, 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 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 2 October 2023** (see contact details in the further information section at the end of this agenda).
- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

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

3. Minutes

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| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee 23 August 2023 – submitted for approval as a correct record | 9 - 24 |
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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 Glencairn Property for Proposal of Application Notice at 185-187 Dundee Street & 5/5 Dundee Terrace, Edinburgh - Purpose built student accommodation, retail/commercial space and associated works - application no. 23/03685/PAN - Report by the Chief Planning Officer 25 - 32

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

Applications

- 4.2 52 Eyre Place, Edinburgh - Change of use from residential to short-term holiday let accommodation - retrospective - application no. 23/02813/FULSTL - Report by the Chief Planning Officer 33 - 42

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

- 4.3 Oxcars Court and Inchmickery Court, Muirhouse Grove, Edinburgh - Proposed thermal and material improvements (including repairs and maintenance) to both Oxcars Court and Inchmickery Court. Works also include the creation of a residents Heart Space (potential uses TBC but may contain Class 1; Class 3; Class 9 and/or Class 10) plus associated landscaping improvement works (as amended) - application no. 23/01118/FUL - Report by the Chief Planning Officer 43 - 52

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

- 4.4 Development North of Inchgarvie Lodge, Society Road, Port Edgar - Conversion of existing listed buildings to 49 residential 53 - 76

units, cafe/restaurant, and services apartment - application no. 22/01987/FUL - Report by the Chief Planning Officer

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

- 4.5** Development North of Inchgarvie Lodge, Society Road, Port Edgar - Conversion of existing listed buildings to 49 residential units, cafe/restaurant and services apartment, with associated demolition and new works - application no. 22/02047/LBC - Report by the Chief Planning Officer 77 - 86

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

- 4.6** Garage 20 Metres East of 21 St Catherine's Place, Edinburgh - Change of use of ancillary domestic garage to short term let (Sui Generis), and external alterations - application no. 23/02361/FULSTL - Report by the Chief Planning Officer 87 - 96

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

5. Returning Applications

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

- 5.1** 7 Murrayburn Gate, Edinburgh, EH14 2SS - Proposed affordable housing development comprising 73 units with associated infrastructure and landscape - application no. 22/03302/FUL - Report by the Chief Planning Officer 97 - 100

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

6. Applications for Hearing

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

- 6.1** 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** 104-106, 107 & 108 Princes Street, Edinburgh, EH2 3AA - 101 - 122
Redevelopment including demolition for hotel use (Class 7) with ancillary bar/restaurant facilities and retail use at basement and ground levels including associated alterations and extensions (As amended) - application 23/01417/FUL - Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.2** 104-105 Princes Street, Edinburgh, EH2 3AA - Internal and 123 - 132
external alterations including partial demolition and rear extension to form new hotel (as amended) - application no. 23/01420/LBC - Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.3** 106 Princes Street, Edinburgh, EH2 3AA - Internal and external 133 - 140
alterations, including partial demolition and rear extension, to form new hotel (as amended) - application no. 23/01422/LBC - Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.4** 107-108 Princes Street, Edinburgh, EH2 3AA - Demolition of 141 - 148
retail and office building - application no. 23/01425/CON - Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.5** 181 St John's Road, Edinburgh, EH12 7SL - Application for the 149 - 158
Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL. Remove clauses to provide on site affordable housing and replace these with clauses seeing to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers - application no. 22/04607/OBL - Report by the Chief Planning Officer

It recommended that this application be **ACCEPTED** and the agreement be **DISCHARGED**.

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

Councillors Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dalgleish, 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 Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, email taylor.ward@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 23 August 2023

Present:

Councillors Osler (Convener) (items 4.1-4.5), Beal, Booth, Cameron, Cowdy (substituting for Councillor Mowat for items 6.1, 6.2 and 6.3), Dalgleish (Items 4.1-4.5), Gardiner, Mattos-Coelho, Jones (items 4.1-4.5), McNeese-Mechan (items 4.1-4.2 and 4.4-4.5), Mowat (items 4.1-4.5), Councillor Mumford (substituting for Councillor Staniforth) and Neil Ross (substituting for Councillor Osler for items 6.1, 6.2 and 6.3),

1. General Applications and Miscellaneous Business

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

Substitutions:

Councillor Neil Ross for Councillor Osler for items 6.1, 6.2 and 6.3.

Councillor Mumford for Councillor Staniforth.

Requests for a Presentation

Councillor Mowat requested a presentation in respect of Item 4.2 - 5B Balcarres Street, Edinburgh - application no. 23/01379/FULSTL.

Councillor Booth requested a presentation in respect of Item 4.3 - 2 Bath Road, Edinburgh - application no. 23/00040/FUL.

Declaration of interests

Councillors Mowat, Dalgleish, Jones, McNeese-Mechan and Osler made non-financial declarations of interest in relation to items 6.1-6.3 – Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no's 22/05886/FUL & 22/05884/CON – as the application had been heard in its totality before and they did not feel that they could take part in the decision.

Decision

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

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

2. Chair

Decision

In the absence of the Convener, Councillor Booth was appointed to the chair for agenda items 6.1, 6.2 and 6.3.

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

The Chief Planning Officer had identified an application to be dealt with by means of a hearing for the proposed demolition of existing office buildings and erection of a mixed-use development comprising 49 No. flats with 3 No. commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure at Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application nos. 22/05886/FUL and 22/05884/CON.

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

(a) (i) Report by the Chief Planning Officer - application no. 22/05886/FUL.

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

The residential accommodation was as follows:

General housing - five-bedroom x 2, three-bedroom x 15, two-bedroom x 19 and one-bedroom x 1 = 37

Affordable - two-bedroom x 4 and one-bedroom x 8 = 12

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

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

(i) Report by the Chief Planning Officer - application no. 22/05884/CON).

The application was for the demolition of the existing buildings on the site comprised two adjoining office blocks: 108-114 Dundas Street 116 Dundas Street, dating from the 1980s.

An associated application for planning permission had been submitted for the demolition of the existing buildings on the site and erection of a mixed-use development comprising 49 flats, including 12 affordable units, with three commercial units in Class 1 (retail), 2 (office) and 3 (café/restaurant) uses at ground and lower ground level, private and communal amenity space, landscaping and basement level car and cycle parking (application number 22/05886/FUL).

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

[Development Management Sub-Committee - Wednesday 23 August 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Newtown and Broughton Community Council

Annick Gaillard addressed the Development Management Sub-Committee on behalf of Newtown and Broughton Community Council. Ms Gaillard indicated that she had previously addressed the Sub-Committee about the original proposals. Regarding the trees, the key consideration then was the building line, specifically about Dundas Street. When the existing building was built, the recess existed because planning guidance stated that the front building had to be a certain distance from the centre line of Dundas Street. Details were provided of the building line for the whole of Dundas Street. The current proposals meant that the corner windows were no longer obscured, however, the recess for the set back was still partially obscured. Considering the aesthetic symmetry, she drew attention to the site on the opposite side of Dundas Street, the trees on the west side of Dundas Street had been removed, but those on Fettes Row remained, which provided screening for residents on south side of Fettes Row. There were also trees on the east side and on the west side of Fettes Street. That was the caveat that could be put forward, which was the aesthetic symmetry that could be a consideration. The caveat being the controversial loss of car spaces. That was the symmetry that could be offered regarding screening. Regarding the demolition, they could not make comment as there were residents of Fettes Row to address the meeting. They had concerns as everything was tightly connected to the site and they were looking for any measures, that would minimise impact. Other developments had been approved in 2022 and had certain informatives imposed. The other aspect was the dilapidation survey, which did not impose conditions, but was good practice for developers, to remediate any damage to neighbouring properties and that concluded the presentation.

(c) Residents of Dundas Street and Fettes Row

Chris Day addressed the Development Management Sub-Committee on behalf of the residents of Dundas Street and Fettes Row. Mr Day indicated that this development would dominate the neighbourhood for decades, there were issues of the street pattern and there was the question of the building line. The Architectural Heritage Society of Scotland thought that the building had been excessively large. This was probably inconsistent with the historic building line and the street trees were not consistent with the New Town. Reference was made to the retention of the trees and the setting of the

listed building. It had been set back and had trees in front of it in the mid 2000's. The building on the left was a parody of nearby buildings and the building on the right was a contemporary response on the re-interpretation of nearby buildings. The Cockburn Association was critical of the proposals. The proposals would cause harm to the outstanding value of the Edinburgh World Heritage site. There would be less shadowing with the new proposals, but that was overstated and there were high temperatures in the area in summer. There was the issue of the street trees and the width of the pavement. Regarding built heritage, sustainability, biodiversity, residential amenity, the proposals failed on all of these. In respect of transport and carbon, it was assumed that the commercial deliveries would be on Dundas Street, however, it was not convincing that they would make deliveries as proposed.

(d) Anne Russell - Represented by Nicholas Morris

Nicholas Morris addressed the Development Management Sub-Committee on behalf of Anne Russell who was a resident of Dundas Street. Mr Morris indicated that he was a planning consultant, acting on behalf of Anne Russell. She was not opposed to the development, however, she worked from home, relying on natural light and the proposals would compromise her ability to work from the current position. They would also negatively impact on her privacy and amenity. Significantly, she was not given proper notification of the proposals. The proposed works would negatively affect the penthouse windows and adversely affect the views of the residents on the fifth floor. Additionally, the proposals were in breach of LDP Policy Des 5, which indicated that the amenity of neighbourhood should not be adversely affected. Regarding the view from the resident's house, the current proposals would mean that the height and massing of the building would be much higher than what was there at present. There would be loss of privacy and light, and a loss of one third of existing space. The roof lines would be much higher, would block the light in the resident's flat and the building line would go up to the edge, where there was a ridge. This would have a detrimental impact on the quality of the resident's life and, overall, the proposals, would obscure everything the resident had enjoyed over the past several years.

(e) Christina Davies (On Behalf of Neighbours John Miller and Alison Summers)

Christina Davies addressed the Development Management Sub-Committee on behalf of neighbours, John Miller and Alison Summers, who were residents of 30 and 31 Fettes Row, and who objected to this application. Ms Davies indicated that the plan outlined the development of 30 and 31 Fettes Row and Centrum House which at the time of the original development were numbered 108-114 Dundas Street. When originally designed, the development did not include 116 Dundas Street. The flats and the office blocks were built together. Removing the office block would remove the flats' architectural connection with the street and adversely impact on the structural integrity of their building. One favoured option would be retro fitting, or renovating the existing structure, before any plans were approved. At the rear of the building, the flat owners had right of access as did office workers, who had access to this area to access Centrum House, mostly during office hours. However, the proposals would allow much greater times of access. There were concerns about potential noise generated from the gardens at the rear of the development, which would not be covered by the noise impact

assessment. Currently, certain parts of Fettes Row did not have a garden and they only had basement and open car parking, -therefore, it would be out of keeping installing a garden in this location. Any planting in this area would suffer from restricted light, as they would have tall structures on three sides. There were further concerns about one area as it currently served as a car park for 116 Dundas Street. It might developed at a later date to serve a commercial unit, which had no proper access at the front of the building for deliveries and waste collections.

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

[Development Management Sub-Committee - Wednesday 23 August 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(f) Edinburgh World Heritage (Christina Sinclair) – Written Response Circulated

Chrisina Sinclair thanked the members for inviting Edinburgh World Heritage to speak at the Sub-Committee. She apologised that she was unable to attend and hoped this agreed form of statement was helpful.

Edinburgh World Heritage had provided advice regarding this development on a number of instances and full context for their comments could be found in their letters of 02/02/2021, 06/05/21 and 13/12/22. The redevelopment of the site, if done sensitively, had the potential to add a layer of interest to Edinburgh’s rich architectural legacy. They had, and continued to advise, that the proposal was revised in order to take the positive opportunity to develop the site in a manner which conserved and enhance the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage site associated with the heights, design details and urban planning ideals of the successive New Towns. This could be done by:

- Removal of the top storey of the development and introduce a roofscape design which would reinforce local character.
- Responding to local architectural quality by adding contextual and architectural depth to elevations as seen in surrounding historic buildings.
- Adding contextual architectural embellishment and, where possible, entrances to the ‘upper ground’ floor level on the Fettes Row elevation to respond to local character (e.g. see 13-24 Fettes Row)
- Further stepping-down of the height of the Fettes Row elevation after the corner block to respond to local heights and hierarchies of secondary vs primary streets.
- Seeking opportunities to reduce the commercial area in favour of high-quality residential space.

Whilst they acknowledged the improvement of using more contextual materials for the ground floor commercial space, limited amendments had been made with respect to

their comments above. In its present form, they therefore considered that the proposed development would have some harmful impact on the OUV of the World Heritage Site as a result of development within its immediate setting. They therefore could not support the proposals in their current form in line with relevant legislation and planning policy regarding management of change in the historic environment.

(g) Ward Councillor Nicolson

Councillor Nicolson addressed the Sub-Committee, indicating that she was representing Inverleith Ward constituents and from an amenity perspective, the proposed development would cause noise, construction and adversely impact on outlook. This development was excessively large, unknown for this site and the height and scale would negatively impact on street scape. It did not meet the Local Plan Guidance or safeguard the special characteristics of the city or meet the needs of residents and other users. Regarding climate change, the benefits of demolition, compared with refurbishing should be reconsidered. Rebuilding to modern standards would have a significant carbon impact. There were environmental concerns about not repurposing the existing buildings, as the carbon footprint of the structure had not been adequately addressed. The current buildings would require their mechanical and electrical systems upgraded, with cost implications. Regarding carbon management, the proposal was inconsistent with LDP Policy Des 6 and probably not compliant with NPF4 Guidance. There was a lack of appropriate affordable housing. There were also concerns regarding the delivery of waste from commercial units as they might eventually be collected from Henderson Place, as there was a lack of parking space at the front of Dundas Street. This would cause noise issues for residents. The proposals would remove trees and replace them with a roof and raised rear garden area. However, the rear of the property received limited light and it was important to retain trees. Apparently, there would be connection with local green spaces, but there were very few of these nearby. Finally, the proposals would adversely impact on some of the residents on 120 Dundas Street and 30 and 31 Fettes row.

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

[Development Management Sub-Committee - Wednesday 23 August 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(h) Applicants and Applicant's Agent

Paul Scott (Scott Hobbs Planning Managing Director), Guy Morgan (Morgan Architects Managing Director), Andrew Rennick (Managing Director, Rennick Property, Applicant), Craig Ormond (Director, Mactaggart and Mickel) and Andrew Mickel (Director, Mactaggart and Mickel, Applicant) were in attendance in support of the application.

Guy Morgan of Morgan architects addressed the Sub-Committee in support of the application. As stated previously, development necessitated change and this development was an opportunity to effect a really positive change. It was a good development for Edinburgh, and there were really good reasons to vote in favour of the proposals.

The proposed development had been recommended for approval by officers of CEC Planning Department and complied with the Local Development Plan. If approved, the proposed development would deliver 49 city centre flats, of which 25 would be on site affordable. The proposed development aligned with the Council's policy aspiration for the creation of 20-minute neighbourhoods, where everyone could meet most of their daily needs within a short walk, wheel or cycle from their home. This proposal would facilitate a healthy, green and thriving development of mixed tenure homes and workplaces, and promote a shift away from longer journeys to reduce congestion and increase active travel.

This would help enable a Net Zero Edinburgh, where everyone could live well locally. It was estimated that the proposed development would deliver circa £100,000 of additional council tax revenue to Edinburgh Council per year and at least £100,000 in additional business rates revenue for Edinburgh Council per year. Overall site investment by the applicant was around £20 million. At the start of this application process, it was agreed with the case officer that the reasons for the appeal refusal from the DEPA reporter who assessed the previous application focused on two main issues. Firstly, the design of the corner block at Dundas Street, and secondly, the extent of impact on the immediate outlook. These issues had since been addressed in the revised scheme. The developer had taken further steps to improve this relationship with 120 Dundas Street. Mr Morgan then outlined the following:

- A condition whereby the non-accessible roof surrounding the proposed terrace would be property in common ownership.
- Steps to address the unacceptable impact on immediate outlook from the south facing windows.
- Advice received from renowned bodies that there were no features worthy of retention on the current site.
- The positive findings of the supporting daylight analysis.
- The proposed removal of 7 lime trees on Dundas Street and 2 Elms on Fettes Row which had a condition category of poor.
- The development would meet the Council's aspiration for 20-minute communities.
- The efficient re-use of brownfield sites was critical to the delivery of the new City Plan targets for homes in the city.

In conclusion, the proposed development would not only benefit the local economy but had strong place-making and design principles which respect the natural and distinct, architectural characters of Dundas Street and Fettes Row. It would provide much needed sustainable city centre homes, including 25% on-site affordable. It aligned with the Council's policy aspiration for the creation of sustainable 20-minute neighbourhoods and would contribute to a sense of place by emphasising the predominantly residential character

of the surrounding area, providing active uses at street level and helping to improve the vitality of the streetscape in this key city centre site. Mr Morgan therefore urged Members to support the recommendation for approval.

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

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Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no. 22/05886/FUL

Decision 1

Motion

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) The following additional conditions:
 - (a) Details of a strategy for re-use of demolition materials on the site, as part of a pre-demolition audit, should be submitted to and approved by the Council, as planning authority, before development commences and the recycling of demolition materials shall be carried out in accordance with the aforesaid strategy.
 - (b) Notwithstanding what was shown on the approved plans details of a proposed screen between the terrace of flat 07.01 shown on drawing 16A (Level 07 floor plan as proposed) and the windows of flat 9, 120 Dundas street should be submitted to and approved by the Council, as planning authority, before the proposed flat is occupied and the privacy screen should be retained in perpetuity.
 - (c) Notwithstanding what was shown on the approved plans, details of cycle parking for the development to achieve increased not-standards cycle parking space and greater accessibility in terms of the balance of two-tier parking, taking account of Council policy and the Cycle Parking Factsheet, to be submitted to and approved by the Council, as planning Authority
- 3) The following additional informative that the applicant pays particular attention to the Council's Environmental Protection webpages in relation to "Considerate Construction".

- moved by Councillor Cameron, seconded by Councillor Gardiner.

Amendment

To **REFUSE** planning permission as the proposals were contrary to Local Development Plan Policies Des 2 and Des 5 (paragraphs b and c), and NPF4 Policies 9 and 16 (e).

- moved by Councillor Booth, seconded by Councillor Mumford.

Voting

For the motion: - 5 votes

For the amendment: - 3 votes

(For the motion: Councillors Beal, Cameron, Mattos Coelho, Gardiner and Ross.

For the amendment: Councillors Booth, Cowdy and Mumford.)

Decision

To **GRANT** planning permission subject to:

- 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
- 2) The following additional conditions:
 - (a) Details of a strategy for re-use of demolition materials on the site, as part of a pre-demolition audit, should be submitted to and approved by the Council, as planning authority, before development commences and the recycling of demolition materials shall be carried out in accordance with the aforesaid strategy.
 - (b) Notwithstanding what was shown on the approved plans details of a proposed screen between the terrace of flat 07.01 shown on drawing 16A (Level 07 floor plan as proposed) and the windows of flat 9, 120 Dundas street should be submitted to and approved by the Council, as planning authority, before the proposed flat is occupied and the privacy screen should be retained in perpetuity.
 - (c) Notwithstanding what was shown on the approved plans, details of cycle parking for the development to achieve increased not-standards cycle parking space and greater accessibility in terms of the balance of two-tier parking, taking account of Council policy and the Cycle Parking Factsheet, to be submitted to and approved by the Council, as planning Authority
- 3) The following additional informative that the applicant pays particular attention to the Council's Environmental Protection webpages in relation to "Considerate Construction".

Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no. 22/05884/CON

Decision 2

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

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

4. 2 Bath Road, Edinburgh

Details were provided of an application for a new build development comprising 3 No. residential flats and ground floor extension to public house (as amended) at 2 Bath Road, Edinburgh - application no. 23/00040/FUL.

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

Motion

To **GRANT** planning permission and notify application to Scottish Ministers subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
 - 2) Additional conditions:
 - (a) No development should be carried out until the applicant has submitted details of street cycle parking (in addition to the details submitted as part of the planning application) to the Council, as planning authority, for approval and such infrastructure to be constructed prior to the residential use hereby approved being taken up.
 - (b) Flood resilient materials and construction methods should be used to limit the vulnerability of the ground floor non-residential properties to flooding.
 - (c) A flood evacuation plan should be developed and integrated into the operation of the development to improve the resilience of the non-residential and residential development to flooding.
- moved by Councillor Gardiner, seconded by Councillor Osler.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policies ENV 21 and NPF4 Policy 22.

- moved by Councillor Booth, seconded by Councillor Mumford.

Voting

The voting was as follows:

For the motion: - 7 votes

For the amendment: - 3 votes

(For the motion: Councillors Beal, Dalgleish, Gardiner, Jones, Mattos Coelho, Mowat and Osler).

For the amendment: Councillors Booth, Cameron and Mumford).

Decision

To **GRANT** planning permission and notify application to Scottish Ministers subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) Additional conditions:
 - (a) No development should be carried out until the applicant has submitted details of street cycle parking (in addition to the details submitted as part of the planning application) to the Council, as planning authority, for approval and such infrastructure to be constructed prior to the residential use hereby approved being taken up.
 - (b) Flood resilient materials and construction methods should be used to limit the vulnerability of the ground floor non-residential properties to flooding.
 - (c) A flood evacuation plan should be developed and integrated into the operation of the development to improve the resilience of the non-residential and residential development to flooding.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Proposal of Application at Kaimes Renewable Energy Park at Existing Kaimes Substation, Old Burdiehouse Road (West Of), Edinburgh</p>	<p>Proposed renewable energy development comprising Installation of BESS (Battery Storage) with associated infrastructure and access - application no. – 23/01765/PAN.</p>	<p>To notes the key issues at this stage.</p>
<p>4.2 – 5B Balcarres Street, Edinburgh, EH10 5JB</p>	<p>Change of use (retrospective) from ancillary garden building to short-term let unit (Sui Generis) - application no. – 23/01379/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>

4.3 – 2 Bath Road, Edinburgh, EH6 7JT

New build development comprising 3 No. residential flats and ground floor extension to public house (as amended).- application no. 23/00040/FUL.

To **GRANT** planning permission and notify application to Scottish Ministers subject to:

- 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) Additional conditions:
 - (a) No development shall be carried out until the applicant has submitted details of street cycle parking (in addition to the details submitted as part of the planning application) to the Council, as planning authority, for approval and such infrastructure to be constructed prior to the residential use hereby approved being taken up.
 - (b) Flood resilient materials and construction methods should be used to limit the vulnerability of the ground floor non-residential properties to flooding.
 - (c) A flood evacuation plan should be developed and integrated into the operation of the development to improve the resilience of the non-residential and residential development to

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		flooding. (On a division.)
<p>4.4 – Cameron Toll Shopping Centre, 6 Lady Road, Edinburgh</p>	<p>Confirmation of Tree Preservation Order No. 203 - Report by the Chief Planning Office</p>	<p>To CONFIRM Tree Preservation Order No. 203.</p>
<p>4.5 - 11 Lochend Road, Newbridge (Land 200 Metres North Of), Edinburgh.</p>	<p>Change of use of agricultural land to use as a dog exercise area, erection of building for use as kennels in connection with the exercise area, parking and alterations to existing access - application no. – 22/01180/FUL.</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>6.1 – Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no's 22/05886/FUL & 22/05884/CON</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 – Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no. 22/05886/FUL</p>	<p>Proposed demolition of existing office buildings and erection of a mixed-use development comprising 49 No. flats with 3 No. commercial units (Class 1, 2 and 3 uses), amenity space, landscaping, basement level car and cycle parking and other associated infrastructure – application no. 22/05886/FUL.</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. 2) The following additional conditions: <ul style="list-style-type: none"> (a) Details of a strategy for re-use of demolition materials on the site, as part of a pre-demolition audit, shall be submitted to and

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>approved by the Council, as planning authority, before development commences and the recycling of demolition materials shall be carried out in accordance with the aforesaid strategy.</p> <p>(b) Notwithstanding what is shown on the approved plans details of a proposed screen between the terrace of flat 07.01 shown on drawing 16A (Level 07 floor plan as proposed) and the windows of flat 9, 120 Dundas street shall be submitted to and approved by the Council, as planning authority, before the proposed flat is occupied and the privacy screen shall be retained in perpetuity.</p> <p>(c) Notwithstanding what is shown on the approved plans, details of cycle parking for the development to achieve increased not-standards cycle parking space and greater accessibility in terms of the balance of two-tier parking, taking account of Council policy and the Cycle Parking Factsheet, to be submitted to and approved by the Council, as planning Authority</p> <p>3) The following additional informative that the applicant pays particular attention to the Council's Environmental Protection webpages in</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>relation to "Considerate Construction".</p> <p>(On a division.)</p>
<p>6.3 - Centrum House, 108-114 & 116 Dundas Street, Edinburgh - application no. 22/05884/CON</p>	<p>Complete demolition in a conservation area – application no. 22/05884/CON.</p>	<p>To GRANT conservation area consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Development Management Sub Committee

Wednesday 4 October 2023

Report for forthcoming application by

Glencairn Property. for Proposal of Application Notice

23/03685/PAN

**At 185 - 187 Dundee Street &, 4/5 Dundee Terrace,
Edinburgh**

**Purpose built student accommodation, retail/commercial
space and associated works.**

Item number

Report number

Wards

B09 - Fountainbridge/Craiglockhart

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for purpose built student accommodation, retail/commercial space and associated works at 185-187 Dundee Street and 4/5 Dundee Terrace, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 23/03685/PAN on 14 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 application site is a triangular piece of land bounded by Dundee Street, Dundee Terrace and West Approach Road. Currently there is a single storey flat roofed commercial building fronting Dundee Street which steps up to the equivalent of two storeys in height on Dundee Terrace. The rear of the western part of the building goes down to the street level of the West Approach Road. Vehicular accesses are from Dundee Terrace where there is also a service and parking area on the site.

Opposite and to the south there are four storey stone tenements and the area is predominantly residential. To the north, across Dundee Street and West Approach Road, is Dalry Community Park and to north-west is Dalry Cemetery. Dundee Street Local Centre is nearby and Dundee Street is a busy main thoroughfare with a frequent bus service.

The site is not within a conservation area.

2.2 Site History

There is no relevant planning site history.

Main report

3.1 Description Of The Proposal

An application for planning permission will be submitted for purpose built student accommodation, retail/commercial space at ground floor level and associated works. The existing buildings on the site will be demolished. No details have been submitted with the PAN regarding number of units, type of accommodation, access or design.

3.2 Key Issues

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

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

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

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

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

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

The proposal will be assessed against relevant design policies in National Planning Framework 4 (NPF4) and the Local Development Plan (LDP) as well as non-statutory guidance where applicable (e.g. Edinburgh Design Guidance). Should the status of City Plan 2030 change, for example it becomes a material planning consideration, its policies would form part of the assessment of the planning application.

The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. A high quality design is expected and should show the suitability of the proposed layout, height, mass and scale of development within its context. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed.

A Sustainability Statement and Design and Access Statement will be required to support the planning application.

c) The proposal will have a detrimental impact on the amenity of neighbours and future occupiers of the development;

The proposal will be assessed against relevant design policies in the Development Plan (NPF4 and LDP) and Edinburgh Design Guidance.

Supporting information is required to show the development's relationship to the adjacent buildings and neighbouring the land to ensure that neighbouring amenity is adequately protected.

A Daylighting, Privacy and Sunlight Analysis will be required in support of the planning application. A Noise Impact Assessment may be required. Site Investigation information will also be required to ensure that the site is safe for the proposed development and there is no risk to future occupiers' health.

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

The proposal shall have regards to the LDP transport policies and NPF 4 policy 13 (Sustainable Transport), as well as the Edinburgh Street Design Guidance and the parking standards in the Edinburgh Design Guidance. The applicant will be required to provide transport information to show the impact on the surrounding road network, demonstrate how the proposal provides for active and public transport travel, and is aligned with the parking standards, including service arrangements, cycle parking and provision for electric vehicles. Full analysis of the connectivity as part of the forthcoming planning application is required.

e) The proposal has acceptable impacts on infrastructure;

The proposal may require infrastructure improvements. Should infrastructure improvements be required to support the proposed development, the application will be required to make appropriate developer contributions in accordance with LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery, NPF 4 policy 18 (Infrastructure First) and LDP Supplementary Guidance on Developer Contributions and Infrastructure Delivery 2018).

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

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

- Pre-application Consultation (PAC) report;
- Design and Access Statement;
- Landscape and Visual Impact Assessment;
- Surface Water Management Plan (SWMP);
- Sustainability Statement;
- Site Investigation information;
- Daylight, Sunlight and Overshadowing Analysis; and,
- Transport Statement.

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: 23/03685/PAN) outlined:

- Two public events:-

Event no 1: 25th September 2023 Fountainbridge Library 137 Dundee St, Edinburgh EH11 1BG (1500 - 1900)

Event no 2: 23th October 2023 Fountainbridge Library 137 Dundee St, Edinburgh EH11 1BG (1500 - 1900)

- Newspaper advertisements:

Event no 1: Edinburgh Evening News 18 September 2023

Event no 2: Edinburgh Evening News 16 October 2023

- Web-site:

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

PAN copied/sent to:

- Gorgie and Dalry Community Council, Merchiston Community Council, local ward councillors, and the constituency MP and MSP.

In addition, the applicant has been requested to provide Supplementary public information :

- Leaflets/posters advertising the public event to be distributed to neighbouring properties/public areas.

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

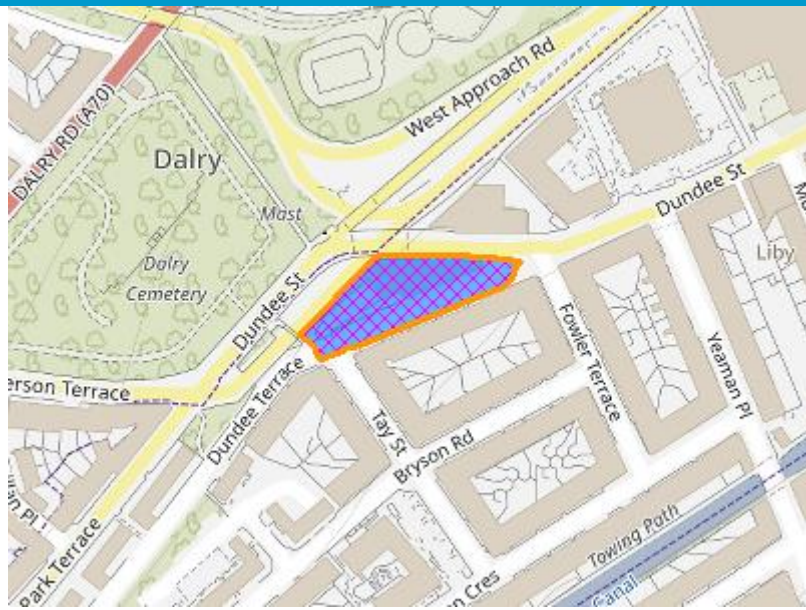
Background reading/external references

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

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail:jackie.mcinnnes@edinburgh.gov.uk Tel:0131 469 3731

Location Plan



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Development Management Sub-Committee Report

Wednesday 4 October 2023

**Application for Planning Permission STL
52 Eyre Place, Edinburgh, EH3 5EJ**

Proposal: Change of use from residential to short-term holiday let accommodation - retrospective.

**Item – Committee Decision
Application Number – 23/02813/FULSTL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as it has received more than twenty material supporting comments and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application property comprises a ground floor studio flatted dwelling at 52 Eyre Place, Canonmills. The property has private main door entry. There are other residential units located directly above and adjacent to the property.

The surrounding area is predominantly residential. The site is located within the New Town Conservation Area.

Description Of The Proposal

Planning permission is sought for the retrospective change of use from residential to short term let (sui generis). No internal or external changes are proposed.

Supporting Information

- NPF4 Supporting Planning Statement

Relevant Site History

95/02543/FUL
52 Eyre Place
Edinburgh
EH3 5EJ
Change of use from store to flat (as amended)
Granted
20 December 1995

22/04962/FULSTL
52 Eyre Place
Edinburgh
EH3 5EJ
From residential to short-term let visitor accommodation.
Refused
4 April 2023

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 11 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 July 2023

Site Notices Date(s): 11 July 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

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

- Managing Change in the Historic Environment: Setting

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

The New Town Conservation Area represents a planned urban concept of European significance with an overriding character of Georgian formality. Stone built terrace houses and tenements, built to the highest standards, overlook communal private gardens; to the rear are lanes with mews buildings, many of which are now in housing use. The importance of the area lies in the formal plan layout of buildings, streets, mews and gardens and in the quality of the buildings themselves.

There are no external changes proposed. The change of use to a short term let will not have any material impact on the character of the conservation area. The change of use would preserve the appearance of the conservation area.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan?

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

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Transport Policies Tra 2 and Tra 3.

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

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

Conservation Area

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

Proposed Use

With regards to NPF 4 Policy 1, the proposals do not involve operational development and therefore, 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 is a ground floor, main door flatted dwelling located within a residential tenement block. There are other residential units located next to and above the application property.

The surrounding area is predominantly residential with a medium to low degree of activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that the use of the property for STL purposes will have a limited impact on the amenity of nearby residents due to the property's private access, limited size (28 sqm and up to a maximum of two guests), management procedures and the lack of previous complaints.

The use of the property as an STL would, however, introduce an increased frequency of movement to the property. The proposed STL use would enable multiple visitors to arrive and stay at the premises for a short period of time on a regular basis throughout

the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. Despite the property's private access arrangements and small size, the potential negative impacts to neighbouring properties are considered significant. Only limited weight can be given to the current operation/management of the property.

The additional servicing that operating a property as an STL requires compared to that of a residential use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

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

The applicant's supporting planning statement asserts that the loss of residential accommodation is outweighed by the economic benefits associated with the use of the property as a STL. It is claimed that the proposed STL use will contribute economic benefit through visitor spend.

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.

However, the use of the property as a STL would result in the direct loss of residential accommodation, which given the recognised need and demand for housing in Edinburgh, is important to retain where appropriate.

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

It is also stated in the submitted planning statement, that as the floor area of the property is less than the recommended 36 sqm for a studio dwelling as set out in the 'Edinburgh Design Guidance', the property is not suited for residential use. However, the property has planning permission for residential use (granted in 1995) and the lawful use of the property as residential accommodation is considered acceptable in this regard.

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

Parking Standards

There are no parking requirements for STLs. Cycles could be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Previous Planning Decisions

The submitted planning statement cites a number of previous planning decisions in support of the application, all of which pre-date the introduction of NPF4. Notwithstanding this, each application is assessed on individual merit and context.

Conclusion in relation to the Development Plan

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

The following material planning considerations have been identified:

Independent economic impact assessment

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

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

Emerging policy context

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

Equalities and human rights

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

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 petition containing 23 signatures in support was submitted. Two representations (both objections) were also received. A summary of the representations/petition is provided below:

material considerations

- Negative impact on the residential character of the area. Addressed in part b).
- Negative impact on local amenity. Addressed in part b).
- Negative impact on city-wide housing availability/affordability. Addressed in part b).
- The property would not have a detrimental impact on local amenity given its small size. Addressed in part b).
- The property is too small to be used as permanent residential accommodation. Addressed in part b).

non-material considerations

- A previous application was refused at this site. Each application is assessed on its own merit.
- The property has not received any previous complaints. Not a material 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 proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a STL will have an unacceptable impact on neighbouring amenity. The loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity or loss of residential accommodation.

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal:-

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

Informatives

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 June 2023

Drawing Numbers/Scheme

01 - 02

Scheme 1

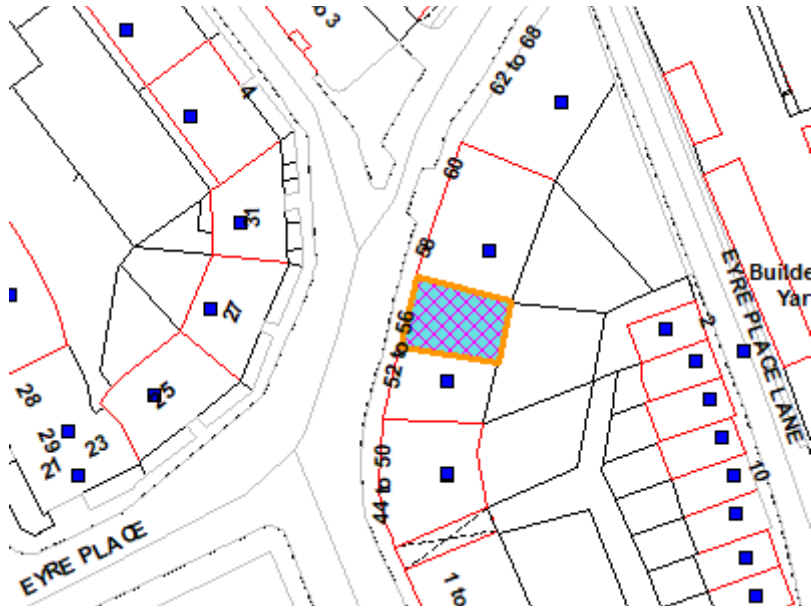
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer
E-mail: sean.christie@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 4 October 2023

Application for Planning Permission

Oxcars Court & Inchmickery Court, Muirhouse Grove, Edinburgh

Proposal: Proposed thermal and material improvements (including repairs and maintenance) to both Oxcars Court and Inchmickery Court. Works also include the creation of a residents Heart Space (potential uses TBC but may contain Class 1; Class 3; Class 9 and /or Class 10) plus associated landscaping improvement works. (AS AMENDED)

Item – Committee Decision

Application Number – 23/01118/FUL

Ward – B01 - Almond

Reasons for Referral to Committee

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

Recommendation

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

Summary

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises of two residential detached apartment buildings at Oxcars Court and Inchmickery Court which were constructed in the 1950s, and consist of surrounding open space and car parking. The neighbourhood is located to the south of Muirhouse Parkway and to the north of Murihouse Grove. Silverknowes Golf Course is located to the north of the site. The areas is residential in nature.

Description Of The Proposal

The application calls for the refurbishment of Oxcars and Inchmickery Courts, and for the regeneration of the open public realm, the traffic provision and the waste services within the site. The proposals are for:

- Improvement of the Energy Efficiency of both buildings
- New Facade treatment to both structures.
- The strengthening of links between properties and play areas,
- The introduction of raingardens and associated footpaths,
- Rearrangement the roadway and pedestrian crossings,
- The creation of new playgrounds
- Regeneration of communal gardens and recreational spaces
- Reconfiguration of waste services
- Upgrading of street lighting.
- Creation of two non-residential premises located on ground floor of both structures.

Supporting Information

- Design and Access Statement
- Drainage Strategy Plan

Amendments

- Material and colour finish to exterior cladding amended
- Glass Juliet balconies amended to Juliet balconies
- Amendments to landscape layout
- Amendments to waste strategy including pulling distances and service ramps
- Amendments to vehicle parking including layout, addition of accessible bays, replacement of garages with parking spaces

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection
Waste Service
Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1 and 2;
- NPF4 Biodiversity policy 3;
- NPF4 Liveable Places policy 14; and
- LDP Design policies Des 1, Des 5, Des 8 and Des 12.
- LDP Environment policies Env 18 and Env 21.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.

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

Climate Mitigation and Adaption

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

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

Design, quality and place

The application proposes the refurbishment of the Oxcars & Inchmickery buildings, providing a new external façade treatment along with internal works. The proposal also includes the redevelopment of the landscaping, roads and waste services surrounding the buildings.

The proposal will utilise high quality materials which will enhance the visual characteristics of the facades, while improving the thermal efficiency of the buildings. The proposal shall ensure that the buildings are retained, and the internal habitable environments are modernised for future usage. The proposed regeneration of the external areas will provide a high quality and attractive open area that effectively reorganises the waste and parking within the site whilst providing an attractive link to the neighbourhood in with its wider context.

The proposal will enhance the distinctiveness of Oxcars & Inchmickery Courts without adverse harm to the neighbourhood character. The application complies with NPF4 policy 14 and LDP Policy Des 1, Des 8 and Des 12.

Amenity

The application site is characterised as a residential neighbourhood with poor existing play areas and public recreational spaces. The proposed regeneration of the area intends on creating new play areas and improving existing facilities for the enjoyment of local residents. Although it is understood that the new play areas may generate some increased noise during usage, the nature of the noise generated is accepted given the residential context of the site.

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

Environmental Protection were consulted on the proposal and raised concerns over the potential impact the ground floor non-residential premises could have on nearby residential dwellings. Environmental Protection raised no objections to the scheme subject to the compliance of the attached conditions relating to these premises.

The application is acceptable and shall have no impact on the amenity of residents. The application complies with NPF4 policy 14 and LDP Policy Des 5.

Traffic and Car parking

The vehicular access to the site will be realigned from Muirhouse Grove to Muirhouse Garden, remaining as currently in place, which is one vehicular access point. The realignment of the internal road network to follow the northern verge of the site ensures that the area to the south of the buildings can be repurposed into recreational open space. A Stopping Up Order under Section 207 of the Town and Country Planning (Scotland) Act 1997 may be required or a Redetermination Order under the Roads (Scotland) Act 1984.

The proposal shall consolidate the overall car parking capacity within the site by removing 14 standing garages and introducing 12 new vehicle parking spaces. The overall vehicle parking within the site shall increase from 38 spaces to 50 spaces, with 5no accessible bays. Although the proposal shall result in an increase of parking spaces, the overall parking provision is still below the minimum parking provision as set out in the Edinburgh Design Guidance. The proposal shall introduce a negligible increase in vehicle parking spaces that shall not have a detrimental impact on vehicle traffic within the area.

The application proposes 4no secure cycle storage facilities distributed between both buildings. Each building will have two new secure cycle storage facilities located at ground level providing 48no secure cycle parking spaces per building. The new cycle parking provision introduces secure cycle parking to both buildings, where previously, no secure cycle storage existed. Although the number of cycle parking provided falls below the minimum cycle parking provision for new developments, as stated within the Edinburgh Street Design Guidance : Part C - C7 Cycle Parking Factsheet, the proposal does not represent a new development, and as such, the shortfall in cycle provision is viewed as an improvement on the existing and acceptable in this instance. The

provision of secure cycle storage will enhance the cycle parking provision within the area and will be a positive feature within the wider site. The proposed cycle storage is acceptable subject to details of cycle parking for non-standard cycles being submitted.

The site is largely made of hardstanding with little pedestrian permeability through the site. The proposal will open up the area to pedestrian movement and create several high quality through routes for the wider use and enjoyment of local residents.

The scheme is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network and represents no issues in terms of road safety and parking provision. The application complies with LDP Policies Tra 2, Tra 3 and Tra 4.

Biodiversity

The proposal includes the planting of a variety of trees, hedges, shrubs, raingardens, dry meadows and a mixture of herbaceous and edible landscape that will make a strong contribution to the biodiversity and attractiveness of the site. The proposals shall not unduly impact on the biodiversity of the area and shall enhance the natural character and landscape of the site.

The application complies with NPF4 policy 3.

Waste

Waste collection is to be localised within two waste facilities per building located on the ground floors. These sites will provide mixed recycling, glass, food and non-recyclable waste collection points. The Waste Service has been consulted on the scheme and offer no objection to the proposals. The proposed waste collection sites are well positioned and acceptable in principle.

Flooding

Flood Prevention were consulted on the proposal and subject to the attached conditions, they have no further comment to make. The proposals will not increase a flood risk or be at risk of flooding itself.

The proposals comply with LDP policy 21 (Flood Protection).

Conclusion in relation to the Development Plan

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

None received.

Conclusion in relation to identified material considerations

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

Overall conclusion

The application is acceptable with regard to Local Development Plan Policies Des 1, Des 5, Des 8, Des 12, Env 18, Env 21, Tra 2, Tra 3 and Tra 4, and NPF4 policies 1, 2,3 and 14. The proposals also accord with the non-statutory Design Guidance. The proposals are an acceptable design, scale are appropriate for the location, and there will be an acceptable level of amenity achieved. The vehicle parking and the level of proposed cycle parking is acceptable, as are the proposed landscaping, surface water, sustainability, and waste arrangements. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development 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 occupation of the commercial premises, the Planning Authority shall be provided with a written statement detailing the proposed operations and the potential of those operations to cause noise disturbance to occupiers of nearby existing and proposed residential properties. The Planning Authority shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect the nearby residential amenity and the commercial/community premises must not be occupied prior to any proposed mitigation measures being agreed the Planning Authority are implemented. Notwithstanding this, a nursery or place of worship are not permitted for any future Class 10 Uses under the Town and Country Planning (Use Classes)(Scotland) Order 1997 on site.
3. Cooking equipment associated with any Class 3 proposals on site to be restricted to the use of 1 microwave, 1 soup kettle and a single panini machine only. No other equipment is permitted for use without written permission from the Planning Authority.
4. Notwithstanding the details shown on the approved plans, details of revised cycle parking provision to include cargo-bike provision shall be submitted to and approved by the council, as planning authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to provide closer compliance with the Council's guidance on cycle parking.

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. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.
4. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge rate to the combined network.
5. Prior to construction, the applicant should confirm that Scottish Water and CEC accept the maintenance responsibility of the proposed drainage and SuDS features.
6. The applicant should consider the provision of 4 electric vehicle charging points and 3 disabled parking spaces, in line with Council parking standards;
7. The applicant should note that the proposed changes to the roads will require separate application for road construction consent (including road safety audit), stopping up orders under Section 207 of the Town and Country Planning (Scotland) Act 1997 and redetermination orders. The extent of adoptable roads to be agreed. The applicant should note that this will include details of lighting, drainage, materials, structures and layout. For the avoidance of doubt, the proposed layout is not approved at this stage.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 April 2023

Drawing Numbers/Scheme

01-13,14b,15a-18a,19,20a-39a,40-47,48a-49a,50

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Gloser, Planning Officer
E-mail:adam.gloser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

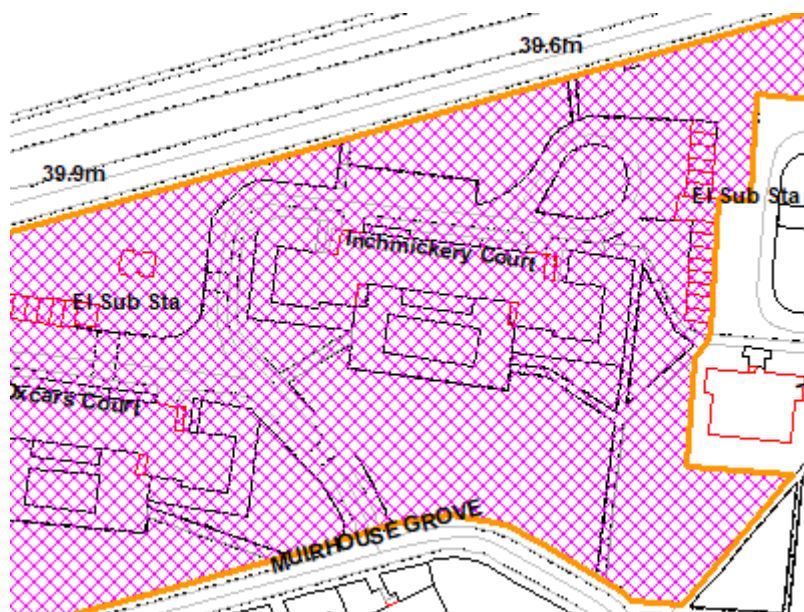
NAME: Environmental Protection
COMMENT: No objection subject to conditions.
DATE: 6 September 2023

NAME: Waste Service
COMMENT: No objection.
DATE: 1 September 2023

NAME: Transport
COMMENT: No objections to the proposed application.
DATE: 25 September 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 4 October 2023

Application for Planning Permission

Development North Of Inchgarvie Lodge, Society Road, Port Edgar

Proposal: Conversion of existing listed buildings to 49 residential units, cafe /restaurant, and serviced apartment.

Item – Committee Decision

Application Number – 22/01987/FUL

Ward – B01 - Almond

Reasons for Referral to Committee

The application is being referred to the Development Management Sub-Committee because the financial sum of the required contributions is of a value exceeding £250,000. Consequently under the Council's scheme of delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

The proposed development is within the urban area where residential development is acceptable in principle. The ancillary self-catering and cafe/restaurant use are also considered acceptable in principle given the associated economic benefits they will bring. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable housing as well as numerous offerings of areas of open space. The proposed development of the site by way of conversion provides an attractive residential environment. The proposals include a number of active travel connections as well as education, healthcare and transport contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would retain existing natural buffers on the edge of the site and provide quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

SECTION A – Application Background

Site Description

The 1.70 hectare site is currently developed land within South Queensferry. The site currently comprises several single and two storey B (listed 03/09/2007 ref: LB50988) listed structures which were historically in use as naval barracks and associated servicing buildings during WW1 and more recently the site provided a site compound for the construction of the Queensferry Crossing. The buildings on site have been vacant since 2011 and in minor use as storage for a long period prior to 2011. The structures are in a poor state of repair, with very limited maintenance being in evidence for decades. The site to the north is bounded by the Firth of Forth and underworking's of the Queensferry Crossing. To the west the site is bounded by the foreshore, to the east lies the functioning Marina and to the south lies a tree buffer with residential development located beyond.

The site is approximately 0.8 miles from the existing local shops, leisure and healthcare facilities along South Queensferry High Street. In terms of site access and links to sustainable access routes, the site is bounded by the Firth of Forth Core Path - CEC6 and National Cycle Network Route 76 to the south.

Description Of The Proposal

Full planning permission is sought for conversion of the existing structures on site to provide 49 residential properties, a café/restaurant and single serviced apartment with associated infrastructure, access, and landscaping.

The housing tenure will comprise 49 dwellings for mid-market rent.

Regarding the extent of physical alterations proposed on site, these include predominantly replacement windows across the numerous buildings, and selective internal alterations to facilitate the proposed residential, self-catering and café/restaurant uses. Limited demolition of structures is proposed to achieve an acceptable residential layout and residential amenity. The most significant removals include complete demolition of several single storey buildings present throughout the site which are not considered capable of conversion to a residential use.

Supporting Information

- Air Quality Impact Assessment;
- Site Investigation Report;
- Drainage Strategy and Surface Water Report;
- Design and Access and Planning Statement;
- Ecology Assessment;
- Tree Survey;
- Noise Impact Assessment;
- Sustainability Statement and
- Transport Assessment

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

The application has been screened (22/01987/SCR) for an Environmental Impact Assessment (EIA) and no EIA is required.

Relevant Site History

11/02618/CLP
Land 100 Metres Northeast Of Inchgarvie House
Society Road
South Queensferry

Application for Certificate of Lawfulness for a Proposed Use or Development to create a temporary vehicular access.

Granted

20 September 2011

22/01987/SCR
Development North Of Inchgarvie Lodge
Society Road
Port Edgar
South Queensferry

EIA Screening request re conversion of existing listed buildings to 49x residential units, cafe/restaurant, and serviced apartment.

EIA Not Required

22 September 2023

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

- Scottish Water
- Nature Scot
- Natural Environment Officer
- Edinburgh Airport
- Transportation
- SEPA
- Affordable Housing
- Communities and Families
- Archaeology
- Flood Planning
- Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 May 2022

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

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: Reuse and Adaption of Listed Buildings
- Managing Change: Windows

Principle of Uses-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings outlined the requirement to ensure listed buildings they have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

The buildings on site have been vacant since 2011 and in minor use as storage for a long period prior to 2011, and are in a poor state of repair, with very limited maintenance being in evidence for decades. In the context of the proposed residential, serviced apartment and café uses for the buildings on site, these are considered to be acceptable and sensitive given the requirement to safeguard the long term future of the listed buildings on site.

Demolition-

Guidance outlined in Managing Change: Demolition of Listed Buildings outlines the key considerations when assessing whether or not the demolition of a listing building is acceptable. These considerations include whether the buildings are no longer of special interest, whether the buildings are incapable of meaningful repair and finally if the demolition of the buildings is essential to deliver significant benefits to economic growth or the wider community.

The extent of demolition proposed on site relates to the demolition of four single storey buildings in their entirety. Of these four buildings, the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation to the Officers' Ward are traditional in nature, with the other two buildings consisting later, non-traditional additions in the form of metal shed like structures one as an extension to building 7 and the other a standalone structure located directly south of building 14 on the eastern site boundary. Limited, selective demolition of three other traditional single storey buildings on site and removal of the non-traditional perimeter security fencing in situ. Selective demolition has been proposed only where absolutely necessary, and only after a review of suitability for conversion to residential use was undertaken across the whole site. The structures proposed for demolition were not deemed capable of conversion to residential use as a suitable residential environment for future users could not be achieved.

Historic Environment Scotland advised in their consultation response on the accompanying LBC application (22/02047/LBC) that the loss of the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation

to the Officers' Ward would have an impact on the character of the complex. However, these are not considered the most significant buildings and, more importantly, there is a recognition that the majority of the buildings on the site are being retained. Historic Environment Scotland therefore advised of no issues with the level of demolition proposed. It should be noted that historic Environment Scotland is not a statutory consultee in relation to the planning application.

In the context of the proposals to safeguard the long-term future of the listed buildings present on site and its associated listing, the extent of full and partial demolition proposed on site is considered acceptable in this instance given the wider benefits associated with retaining and securing the future of the listed buildings. The extent of demolition work will on the whole preserve the setting of the listed buildings to an acceptable standard.

Internal Works-

Internal works do not constitute development requiring planning permission and consideration of such matters are restricted to the related application for listed building consent.

External Works-

Guidance outlined in Managing Change: Windows states "The success of a replacement window will depend on its detailed design, and on how well the new replicates the old. Features to consider in the design of new windows may include the correct placing of the case within the wall and, importantly, its method of operation with vertically sliding sashes. Sections of sash meeting rails and astragal profiles should match the original as closely as possible, and horns should only be provided if there is historical evidence for their use. In seeking the best replication of the design and construction of the window, how astragals hold the glass is important. Therefore, true, or through, astragals should be provided."

In assessing the suitability of the proposed replacement windows the applicant was asked to provide a justification for pursuing uPVC replacements on the majority of the buildings subject to the proposal. Bar the 'West Complex' annotated on the submitted site plan, the applicant advised that all existing window frames are not of a condition capable of repair to produce traditional frames as was in place historically on site. The applicant has however advised that the condition of the existing window openings in the 'West Complex' will be traditional in nature subject to repair work. A condition requiring a detailed methodology statement to be submitted for review and consideration by the Planning Authority prior to development commencing has been included. This condition will allow consideration of all proposed works to the windows in greater detail.

The proposed external alterations including the replacement of the existing windows on site will allow re-use of the existing buildings on site for the uses proposed.

Other Features of Interest-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings outlined the requirement to ensure listed buildings they have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

Through positive engagement with the applicant, it is proposed to retain the existing air raid shelter on site, with discussions centred around sensitive alterations to support creation of a children's play feature and integration of display board with a representation and historical explanation. A condition has been attached to obtain further details regarding the retention and reuse of the air raid shelter structure.

The proposed works to retain the air raid shelter as a feature of interest on site are welcomed. The alterations proposed and scope for further discussion and engagement with the Planning Authority will preserve the setting of the listed building to an acceptable standard.

Conclusion in relation to the listed building

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2, 3, 5, 7, 9, 12,13;
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22, 23, 27, 30;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 7, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9;
- LDP Shopping and Leisure policy Ret 11;
- LDP Delivery policies Del 1; and
- LDP Environment policies Env 21 and Env 22.

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

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

The LDP Action Programme 2023 and the finalised 'Developer contributions and infrastructure delivery supplementary guidance' August 2018 are material considerations when considering delivery, housing and transport policies.

Principle

Housing-

The site is within the urban area where under policy Hou 1 Housing Development (d) the delivery of housing is a priority, provided proposals are compatible with other policies in the plan.

NPF4 Policy 1 Tackling the climate and nature crises is an overarching policy that states when considering development proposals, significant weight will be given to the global climate and nature crises. The biodiversity enhancements are considered later. The proposed residential development, in the urban area and in line with the LDP strategy is consistent with the global climate challenge in principle.

NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings encourages, promotes and facilitates the reuse of brownfield, vacant and derelict land and empty buildings, in order to help to reduce the need for greenfield development.

NPF4 Policy 16 Quality Homes states proposals for new homes that improve affordability will be supported. The mid-market housing proposed would help to improve affordability for end users. The proposal is consistent with the spatial strategy of the LDP. Therefore, the principle of residential development is acceptable on this site, so long as other development plan policies are complied with.

Café-

The site is located within the urban area where a mix of uses can be supported, provided proposals are compatible with other policies in the plan.

NPF4 Policy 27 City, town, local and commercial centres encourages, promotes and facilitates development in our city and town centres, recognising they are a national asset.

LPD Policy Ret 11 Food and Drink Establishments states that proposals for a change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be supported if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents or in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

The proposed café element will be self-contained and located in the north east corner of the site sufficiently separate from the proposed residential blocks so as to protect residential amenity. Furthermore, no cooking odour ventilation is proposed, and the applicant has confirmed the only non-odour producing equipment is proposed for use within the café/restaurant unit and a condition has been included in accordance with this.

Given the site location in the context of South Queensferry High Street and nearby Port Edgar leisure offerings, there would not be an over concentration of Class 3 Uses.

Self-Catering Unit-

The site is located within the urban area where a mix of uses can be supported, provided proposals are compatible with other policies in the plan.

NPF4 Policy 30 Tourism states that communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation. Criterion e) of policy 30 expands that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in either an unacceptable impact on local amenity or the character of a neighbourhood or area, or the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

LDP Policy Hou 7 Inappropriate Uses in Residential Areas states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The proposed self-catering unit would provide further economic benefit to the wider area by utilising the historical use of the site, with features such as the prison cell retention considered a conservation gain providing a unique opportunity to re-utilise the vacant building. Additionally, the proposed self-catering unit will be self contained and located in the south east corner of the site sufficiently separate from the proposed residential blocks so as to protect residential amenity.

Flood Risk

Policy NPF4 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals do not increase the risk of surface water flooding to others or itself be at risk.

The site is partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium to high risk of flooding to parts of the site from the sea. In light of flood risk poised to the site, extensive consultation with both Flood Planning and SEPA took place as part of the assessment.

The applicant provided a Flood Risk Assessment (2022) which contained several recommendations to mitigate flood risk to the site for climate change. These included the erection of a Wave Return Wall along sections of the site's northern boundary with the Firth of Forth, to defend against the highest future combined water level of 5.5mAOD. The proposed design for the wall takes account of efforts to minimise overtopping. Increased ground levels at sections of the site under the Queensferry Crossing, and in front of the former boiler house will be raised to a minimum of 5.07m AOD, to allow waves to run out and drain back to the sea without spreading to other areas of the site, limiting potential flood risk. Additionally, floor levels within the buildings will be raised to a minimum of 5.07 and 100mm above adjacent external ground levels. The external pedestrian routes will also be raised above adjacent ground levels and landscape areas.

The Council Flood Planning team reviewed the submitted Flood Risk Assessment and advised that they have no objection to the proposal subject to appropriately worded conditions regarding further details on the proposed wave return wall to demonstrate that the development is protected from wave and coastal flooding, and a structural

condition inspection of the existing breakwater by a competent professional as recommended by the submitted Flood Risk Assessment. Several conditions as requested by the Council Flood Planning team have been included.

SEPA reviewed the submitted Flood Risk Assessment as well as additional information provided regarding the lawful planning use of the site as part of the consultation. The clarification provided to SEPA on the lawful planning use of the site as existing, confirmed a use class of 8A - Secure Residential Institutions applicable to the site by SEPA standards.

SEPA subsequently advised that as the proposal is for the conversion of existing buildings, they were satisfied that the proposal would not result in an increase in the overall footprint of the development. SEPA also considered that overall flood risk would not increase given the existing Class 8A designation would enable other (potentially more sensitive) developments in this same location, and the buildings are located in an area partly at risk of coastal flooding.

In issuing their consultation response SEPA advised that they have no objection to the proposal whilst also highlighting several considerations for the applicant to consider in order to reduce any potential future flood risk to the site.

Climate Mitigation and Adaption

The sustainability statement submitted states that the proposals would be energy efficient with photovoltaic panels located on the roof. Electric Vehicle charging points will be available at specified locations throughout the site.

Refuse and recycling facilities have been provided to the communal flats and in close proximity to the other residential units, self-catering unit and café/restaurant element to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing via conversion on an accessible urban location that would result in the re-use of a brownfield site. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 policy 2.

Local Living and 20-minute Neighbourhoods

NPF4 Policy 15 requires proposals to create connected neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home preferably by using active travel, or sustainable transport options.

The site is within walking distance of a wide range of amenities provided in the designated Town Centre, and open space located west from the site along Shore Road at a distance of 0.8 miles equitable to a 16-minute walk. The site also offers wider connections to both the existing Firth of Forth Core Path -CEC6 and National Cycle Network Route 76 and John Muir Way. There is also a bus stop on Walker Drive and Springfield View, which are accessible from the development site on foot. Overall, the proposed development complied with NPF4 Policy 15.

Design and Layout

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

The LDP policies Des 1 - Des 9 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users.

The proposed development integrates with the existing developments to the south and south west with active travel connections. The site will contain several large areas of open space to serve future occupiers of the residential units on site located throughout. The proposed re-use of the former naval barracks would be achieved by creating an acceptable residential environment reflecting the six qualities of successful places.

The proposals will promote the safety of future occupiers and improve physical and mental health. This being achieved by active travel routes and pedestrian/vehicular connections within the site being overlooked providing natural surveillance as well as health opportunities. Located out with the application site, beyond the southern boundary and accessible on foot, is a 0.56 hectare area of Open Space (Pumping Station) as allotted in the adopted Edinburgh Local Development Plan 2016. This can serve the needs of future residents and encourage use of outdoor space near the site.

The living environment which would be achieved by way of sensitive conversion of the existing buildings on site would result in an attractive built space, with retention of natural site buffers to the south of the site and further landscaping proposed as part of the proposal. There are several public open spaces throughout the development which would contribute towards the creation of a desirable living environment for future occupants.

There is only two vehicle accesses to the site but a number of active travel routes and connections to wider networks. Parking has been reduced through discussions with the Council Transport team and is mainly limited to designated parking areas. Society Road is at a higher level than the site, rising to the east as it passes the boundary. The existing site access from these higher levels is achieved by the roads sweeping across the sloping ground to minimise the gradient by lengthening the route. This arrangement will be retained, and footways will be added to both site access routes, which will provide pedestrian access at gradients to meet the council's standards for accessible footways.

Pedestrian access will be provided along Shore Road, which will connect the site to South Queensferry on flatter ground for pedestrians and cyclists and be an opportunity to improve the John Muir Way.

The proposed conversion of the existing buildings on site is sensitive and presents a faithful interpretation of the historic significance of the site. The conversion of the existing structures coupled with limited demolition would create a unique and distinctive living environment.

The site is sustainable as it is within the built-up area and with active travel and public transport routes to local centres and the city. The proposal would see the development

of a brownfield site, one which currently contains several vacant buildings, which when brought back into use as proposed would result in an environmental improvement whilst reducing the need for greenfield development to provide additional housing in an area of localised housing need.

The maintenance of the public space will be secured by factor via a maintenance schedule agreement.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-8.

Affordable Housing

NPF4 Policy 16 supports development proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

LDP Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

The proposal includes 25% affordable housing comprising 8 two bedroom flats and 4 one bedroom flats for mid-market rent which would be secured through the legal agreement. The proposed provision is considered acceptable in regard to NPF4 Policy 16 and LDP Policy Hou 6, and by the Council Affordable Housing team as confirmed in the formal consultee response.

Residential Amenity

Existing Buildings Daylighting and Sunlight, Outlook and Privacy-

LDP Policy Des 5 (Development Design- Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity. The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

A daylight assessment has been undertaken by the applicant in support of the proposals to show that future occupiers of the residential and self-catering units would benefit from an acceptable level of amenity in terms of daylight provision. The number, orientation and dimensions of existing windows to be retained in the residential flatted blocks/houses ensure that an adequate level of daylight and sunlight would penetrate habitable rooms. Furthermore, the separation distances between the residential flatted blocks/houses ensure that there would be no unacceptable level of overshadowing or overlooking.

Therefore, it is considered that there would be no significant loss of daylight and sunlight. Whilst some of the existing dwellings front onto the proposed site, sufficient outlook and privacy would be retained to ensure adequate levels of residential amenity.

Communal/Private Outdoor Space-

Policy Hou 3 (Private Green Space in Housing Development) sets out provisions for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable green space, and a minimum of 10sqm per flat for mixed housing/flatted developments where communal provision is proposed.

The proposed development includes several areas of private and communal open space/amenity space within the site red line boundary. This provision would provide 10 sqm per flat of communal space around the flats and meet the minimum 20% requirement for useable green space based on total site area. Additionally, located out with the site to the south and accessible on foot, is a 0.56 hectare area of Open Space designated under the Pump Station per the adopted Edinburgh Local Development Plan 2016. This can also serve the needs of future residents and encourage use of outdoor space.

Historic Assets and Places

NPF4 Policy 7 requires development to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Furthermore, the specific policy outcomes state that the historic environment is valued, protected regarding setting, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change. That where relevant redundant or neglected historic buildings are brought back into sustainable and productive uses. Whilst also recognising the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Character and Setting of Listed Buildings-

This has been assessed in section a). The proposals comply with NPF4 Policy 7c) with respect to the alteration or extension of a listed building, or works that impact on its setting, as the proposals will have no adverse effect on the building's special architectural character.

Character and Setting of World Heritage Site-

The site is situated just over 1 mile from the Forth Bridge World Heritage Site. In assessing the proposals in the context of the World Heritage Site and its setting the associated Outstanding Universal Value would be protected and preserved given the scale and nature of the proposals, and the physical separation between the site and World Heritage Site designation.

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

Transport, Road Safety and Infrastructure

NPF4 Policy 13 (Sustainable Transport) intends to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

Car Parking-

Policy Tra 2 states that permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in Council guidance. There is no minimum car parking level as set out in the EDG.

LDP policy Tra 4 (Design of Off-Street Car and Cycle Parking) states that design considerations should be taken into account for car parking.

The total car parking provision of 65 spaces (including 4 accessible spaces, 9 active EV charging points and 12 Passive EV charging points) for the café/restaurant and residential uses combined is higher than the maximum number of spaces permitted under EDG standards. The provision of 65 spaces complies with the Council's parking standards which allow a maximum number of 65 spaces.

City car club provision would also be required. This will be secured through the legal agreement with the requirement for a contribution of £7,000 to install all necessary signs and markings and towards the provision of a single car club vehicle space to serve the proposal.

Cycle Parking-

Tra 3 states permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance.

Policy Tra 4 states that cycle parking should be provided near building entrances and of an appropriate design.

NPF 4 policy 13 b (Sustainable Transport) refers to the supply of safe, secure and convenient cycle parking to meet needs of users.

The cycle parking factsheet states a principle for new development is for cycle parking provision to accommodate a minimum of 20% for non-standard bicycles. In addition, that no more than 50% of cycle parking spaces for new development should be via two tier racks.

A total of 122 cycle store spaces are proposed by way of secure bike lockers, internal horizontal storage units and non-standard (18 in total) long Sheffield stands to support both the residential and café elements across the site and shown on the submitted site plan. This represents an overprovision of cycle parking per the standards within the Edinburgh Design Guidance.

Regarding provision of safe and secure cycle store spaces, the provision of secure bike lockers within some internal spaces in the residential blocks, and within communal areas located in close proximity of the residential flats, supported by natural surveillance resultant from the residential blocks is proposed. Additionally, the non-standard cycle parking is to be located within a secure outbuilding located on site, and within close proximity of the residential blocks.

A condition has been included requiring the submission of further details to allow discussion over cycle parking provision to continue.

This level of cycle parking provision is considered acceptable subject to further dialogue via the inclusion of an appropriate condition, to serve the site and future residents and users.

Health

NPF4 Policy 23 Health and Safety requires proposals to have a positive effect on health. This includes consideration of air quality, noise and suicide risk. The proposed development has been designed to integrate into the existing area, creating a quality place and complies with LDP design policy and guidance. The proposals include areas of open space and landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effects for health, the environment including air soil, water environment or on ground stability.

Air Quality-

The Air Quality Assessment (2022) as submitted by the applicant in support of the application advises that air quality impacts will be limited. The results have been reviewed by the Council Environmental Protection team who have raised no concerns with the findings.

Contaminated Land-

The Site Investigation Report (2021) as submitted by the applicant in support of the application was reviewed by the Environmental Protection team who have raised no concerns with the findings, subject to inclusion of an appropriately worded condition.

Noise-

A Noise Impact Assessment (2021) has been submitted by the applicant which assessed the levels of noise associated with road traffic sound given the proposed residential use on site and proximity of the site to key road infrastructure. The submitted report confirms that road traffic noise levels will be within acceptable limits within the proposed properties, however external noise levels within gardens will be slightly above recommended levels. On balance though, the Environmental Team raised no object to the application on this issue due to other positives associated with the development.

Biodiversity

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

A Preliminary Ecological Assessment was submitted that noted that the habitats and species were typical of those found on neglected former developed sites in the wider area. The survey noted the importance of the mature treeline along the southern boundary of the site, with recommendations for tree protection measures to protect the root protection areas during redevelopment of this site.

NatureScot were formally consulted on the proposals and raised no objection to the proposals reflective of additional information provided by the applicant. The additional information provided detailed measures by the applicant to mitigate impacts specifically during the construction phase on the Firth of Forth - Special Protection Area located out with the site boundary to the north east at the foreshore.

The proposal would see the retention of the mature treeline along the southern boundary of the site. Detailed landscaping proposals have not been submitted as part of the assessment, however an appropriate condition has been attached to ensure provision of these details prior to development commencement. Overall, this is a significant positive effect on biodiversity and a significant Biodiversity Net Gain and complies with NPF4 policy 3.

Developer Contributions

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs. Policy Del 1 and Tra 8 also sets out that the overall cumulative impact of the proposed development should be taken into account. This is supported by the Action Programme 2023 and the Finalised Developer Contributions and Infrastructure Delivery Guidance.

Education Infrastructure-

This site falls within Queensferry Education Contribution Zone.

The proposed development would be expected to make an overall contribute £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.

Infrastructure Costs-

Primary infrastructure costs based on sums of £7,965 per flat and £23,566 per house. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Secondary infrastructure costs based on sums of £16,960 per house and £4,275 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Land Costs-

Primary infrastructure land costs based on sums of £4,311 per house and £1,457 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Healthcare Infrastructure-

The site falls within Healthcare Contribution Zone (North West). The proposed development is required to make a financial contribution of £10,290 towards healthcare provision within South Queensferry. The sum is based on a per unit requirement of £210 for all residential development proposals within defined healthcare contribution zone and would be secured through the legal agreement.

Transport Infrastructure-

The proposed development is required to make a total financial contribution of £11,000. This sum includes £2,000 to progress a suitable order to introduce waiting and loading restrictions, a further £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and to extend the existing 20mph coverage on Society Road to cover site access, and subsequently the sum of £7,000 to install all necessary signs and markings and towards the provision of a car club vehicle space to serve the proposal.

Conclusion in relation to the Development Plan

There are no material considerations which would justify a refusal of planning permission.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

In total a single representation in support and a single representation in objection to the proposal was submitted.

material considerations

Support-

Plans to integrate with existing nearby active travel routes are welcomed - addressed in section (a) above

Objection-

Potential increase in traffic associated with development will increase strain on road network - addressed in section (a) above

Conclusion in relation to identified material considerations

There are no material considerations which would justify a refusal of planning permission.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

The proposed development is within the urban area where residential development is acceptable in principle. The ancillary self-catering and cafe/restaurant use are also considered acceptable in principle given the associated economic benefits they will bring. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable housing as well as numerous offerings of areas of open space. The proposed development of the site by way of conversion provides an attractive residential environment. The proposals include a number of active travel connections as well as education, healthcare and transport contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would retain existing natural buffers on the edge of the site and provide quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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. Cooking operations in the Class 3 premises shall be restricted to the use of a microwave, panini machine and soup kettle only; no other forms of cooking shall take place without the prior written approval of the planning authority.
4. Prior to construction of the residential units hereby approved, the applicant must provide further details on the proposed wave return wall to demonstrate that the development is protected from wave and coastal flooding in the 1:200-year return period storm event, including an allowance for climate change. The detailed design should be supported by more detailed calculations and installed prior to occupation of the residential units hereby approved.
5. Prior to occupation of the development a structural condition inspection of the existing breakwater should be conducted by a competent professional and submitted to and approved in writing by the Planning Authority.
6. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. Prior to the commencement of development, full details of all hard and soft Surface, Boundary and Landscaping treatments, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. All hard and soft

landscaping to be completed within six months of the occupation of the development hereby approved.

8. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

9. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation public engagement, interpretation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

10. A detailed methodology statement for the repair and replacement of all windows on site shall be submitted to and approved in writing by the Planning Authority before any works to windows commence. The materials used for repair work shall comprise original elements only, with the exception of any windows where there is insufficient scope to repair or replace features. In such cases, details of the proposed repair/replacement materials and methods shall be provided in the methodology statement. No part of the development hereby approved shall be occupied until the provisions for repair and replacement of the windows has been detailed in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.

11. Prior to commencement of development, details of an appropriate level of accessible cycle storage with capacity for at least 80 cycles shall be submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologist need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
- h) The use of protective fences, exclusion barriers and warning signs.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In the interest of amenity.
4. In the interest of amenity.
5. In the interest of amenity.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard existing trees on site.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to safeguard the character of the statutorily listed building.
11. In order to provide adequate cycle provision for occupiers of the development.
12. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing

The proposed development is required to deliver 25% affordable housing in accordance with policy.

Transport

The proposed development is required to contribute £11,000 to transport improvements associated with the development. This sum includes £2,000 to progress a suitable order to introduce waiting and loading restrictions, a further £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and to extend the existing 20mph coverage on Society Road to cover site access, and subsequently the sum of £7,000 to install all necessary signs and markings and towards the provision of a car club vehicle space to serve the proposal.

Education

The proposed development would be expected to make an overall contribution of £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.

Infrastructure Costs-

Primary infrastructure costs based on sums of £7,965 per flat and £23,566 per house. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Secondary infrastructure costs based on sums of £16,960 per house and £4,275 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Land Costs-

Primary infrastructure land costs based on sums of £4,311 per house and £1,457 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Health

The proposed development is therefore required to make a contribution per household of £210 per unit equating to a total sum of £10,290.

1. 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. The contaminated land report should also include gas mitigation measures and any localised investigation works proposed.
4. Prior to commencement of development on site a bat licence must be obtained from NatureScot.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 May 2022

Drawing Numbers/Scheme

01-11, 12B-22, 23A-29

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jay Skinner, Planning Officer
E-mail: jay.skinner@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water
COMMENT: No objection to proposal.
DATE: 6 December 2022

NAME: Nature Scot
COMMENT: No objection and can advise that it is now possible to reach a conclusion of no adverse effects upon site integrity of the Firth of Forth Special Protection Area (SPA).
DATE: 8 September 2023

NAME: Natural Environment Officer
COMMENT: Having consulted with NatureScot and undertaken a Habitat Regulations Appraisal and Appropriate Assessment, it has been possible to reach a conclusion of 'no adverse effects upon site integrity'. Therefore there is no objection to this application in relation to Policy Env13.
DATE: 18 September 2023

NAME: Edinburgh Airport
COMMENT: No objection to the proposal.
DATE: 14 August 2023

NAME: Transportation
COMMENT: No objections subject to appropriate conditions and informatives.
DATE: 25 September 2023

NAME: SEPA
COMMENT: No objection to proposals.
DATE: 3 August 2022

NAME: Affordable Housing
COMMENT: No objection to the proposal as the applicant has made a commitment to provide a minimum of 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement.
DATE: 3 October 2022

NAME: Communities and Families
COMMENT: The proposed development would be expected to make an overall contribute £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.
DATE: 19 May 2023

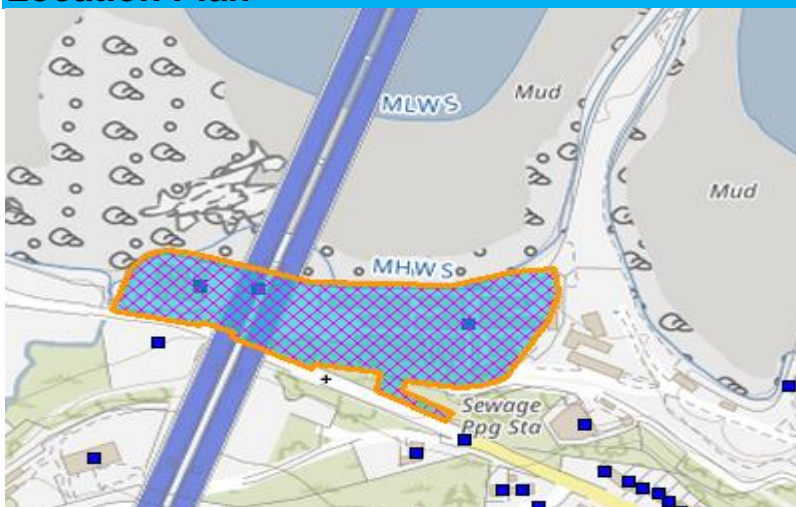
NAME: Archaeology
COMMENT: No objection to proposal subject to a condition.
DATE: 14 June 2022

NAME: Flood Planning
COMMENT: No objection to proposal subject to conditions.
DATE: 1 December 2022

NAME: Environmental Protection
COMMENT: No objection to proposal subject to conditions.
DATE: 3 March 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 4 October 2023

**Application for Listed Building Consent
Development North Of Inchgarvie Lodge, Society Road, Port Edgar**

Proposal: Conversion of existing listed buildings to 49 residential units, cafe/ restaurant and serviced apartment, with associated demolition and new works

**Item – Committee Decision
Application Number – 22/02047/LBC
Ward – B01 - Almond**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the corresponding planning application 22/01987/FUL is required to go before Development Management Sub-Committee due to the level of commuted sum. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed buildings that embody the special architectural interest that it possesses, and there will be no detrimental impact on the setting of any listed buildings.

SECTION A – Application Background

Site Description

The 1.70 hectare site is currently developed land within the north of Edinburgh. The site currently comprises several single and two storey B listed (listed 03/09/2007 ref: LB50988) structures which were historically in use as naval barracks during WW1 and more recently the site provided a site compound for the construction of the Queensferry Crossing. The buildings on site have been vacant since 2011 and in minor use as

storage for a long period prior to 2011, and are in a poor state of repair, with very limited maintenance being in evidence for decades. The site to the north is bounded by the Firth of Forth and underworking's of the Queensferry Crossing. To the west the site is bounded by the foreshore, and to the south lies a tree buffer with residential development beyond.

The site is approximately 0.8 miles from the existing local shops, leisure and healthcare facilities along South Queensferry High Street. In terms of site access and links to sustainable access routes, the site is bounded by the Firth of Forth Core Path and CEC6 and National Cycle Network Route 76 to the south.

Description Of The Proposal

Listed building consent is sought for external and internal works to facilitate the conversion of the existing buildings on site to a range of uses including residential, café/restaurant and a serviced apartment.

Regarding the extent of physical alterations proposed on site, these include predominantly replacement windows across the numerous buildings on site, and selective internal alterations to facilitate the proposed residential, self-catering and café/restaurant uses. Numerous internal alterations are proposed to the existing interiors to facilitate the conversion to residential, serviced apartment and café/restaurant.

Limited demolition and removal of structures is proposed. The most significant removals include complete demolition of several single storey buildings present throughout the site which are not considered capable of conversion to a residential use. In light of the proposed building removals a significant number of existing structures on site are to be retained.

In summary, the extent of interventions proposed to the listed buildings on site comprise demolition in full of four single storey buildings, various internal works for re-configuration to convert the existing structures, repair and replacement of selected windows and the placement of solar panels on selected roofscapes.

Relevant Site History

11/02618/CLP
Land 100 Metres Northeast Of Inchgarvie House
Society Road
South Queensferry

Application for Certificate of Lawfulness for a Proposed Use or Development to create a temporary vehicular access.

Granted
20 September 2011

22/01987/SCR
Development North Of Inchgarvie Lodge
Society Road
Port Edgar
South Queensferry

EIA Screening request re conversion of existing listed buildings to 49x residential units, cafe/restaurant, and serviced apartment.
EIA Not Required
22 September 2023

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeologist

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 27 May 2022

Site Notices Date(s): 24 May 2022

Number of Contributors: 4

Section B - Assessment

Determining Issues

This application for listed building consent is required to be assessed against Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals harm a listed building or its setting?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- Managing Change: Interiors
- Managing Change: Reuse and Adaption of Listed Buildings
- Managing Change: Windows

Principle of Uses-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings states the requirement to ensure listed buildings have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

The buildings on site have been vacant since 2011 and in minor use as storage for a long period prior to 2011, and are in a poor state of repair, with very limited maintenance being in evidence for decades. In the context of the proposed residential, serviced apartment and café uses for the buildings on site, these are considered to be acceptable and sensitive given the requirement to safeguard the long term future of the listed buildings on site.

Demolition-

Guidance outlined in Managing Change: Demolition of Listed Buildings outlines the key considerations when assessing whether or not the demolition of a listing building is acceptable. These considerations include whether the buildings are no longer of special interest, whether the buildings are incapable of meaningful repair and finally if the demolition of the buildings is essential to deliver significant benefits to economic growth or the wider community.

The extent of demolition proposed on site relates to the demolition of four single storey buildings in their entirety. Of these four buildings, the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation to the Officers' Ward are traditional in nature, with the other two buildings consisting later, non-traditional additions in the form of metal shed like structures one as an extension to building 7 and the other a standalone structure located directly south of building 14 on the eastern site boundary. Limited, selective demolition of three other traditional single storey buildings on site and removal of the non-traditional perimeter security fencing in situ.

Selective demolition has been proposed only where necessary, and only after a review of suitability for conversion to residential use was undertaken across the whole site. Those structures proposed for demolition were not considered capable of conversion by way of the proposed residential units not providing a suitable residential environment for future users.

Historic Environment Scotland advised that the loss of the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation to the Officers' Ward would have an impact on the character of the complex. However, these are not considered the most significant buildings and, more importantly, there is a recognition that the majority of the buildings on the site are being retained. Historic Environment Scotland therefore advised of no issues with the level of demolition proposed.

In the context of the proposals to safeguard the long-term future of the listed buildings present on site and its associated listing, the extent of full and partial demolition proposed on site is considered acceptable in this instance given the wider benefits associated with retaining and securing the future of the listed buildings. The extent of demolition work will on the whole preserve the setting of the listed buildings to an acceptable standard.

Internal Works-

Guidance outlined in Managing Change: Interiors states "where an original plan form has survived, it should normally be retained without subdivision to preserve the historic character of the building."

Guidance outlined in Managing Change: Reuse and Adaption of Listed Buildings states: "The best solution for a listed building will be one that secures its long-term future, while preserving as much as possible of its historic character."

The interior alterations proposed would see the internal reconfiguration of existing rooms across the numerous buildings located on site subject to conversion to residential, self-catering accommodation and café use. The proposed internal re-configuration of existing layouts would not have detrimental impact as there are limited internal features of historic note as part of the listing due to the utilitarian form of the buildings, and therefore would not adversely impact on the special architectural interest of the listed buildings. Where internal features of note have been identified such as the white tiled wall associated with the former hospital/surgery use in building 1, an agreement has been reached with the applicant to retain the historical features as part of the proposed conversion and secured via planning condition.

Historic Environment Scotland advised that, the majority of building interiors were utilitarian in nature, allowing significant scope for the internal alterations proposed in order to provide the mixture of residential, serviced apartment and café based uses.

The proposed uses are considered to safeguard the listed buildings long term future, and the proposed internal alterations including the efforts to retain historic features of note, including the tiled walls of the former hospital/surgery building and retention of some former prison cells in the Guard House are welcomed. The internal alterations proposed will on the whole preserve the setting of the listed buildings to an acceptable standard.

External Works-

Guidance outlined in Managing Change: Windows states "The success of a replacement window will depend on its detailed design, and on how well the new replicates the old. Features to consider in the design of new windows may include the correct placing of the case within the wall and, importantly, its method of operation with

vertically sliding sashes. Sections of sash meeting rails and astragal profiles should match the original as closely as possible, and horns should only be provided if there is historical evidence for their use. In seeking the best replication of the design and construction of the window, how astragals hold the glass is important. Therefore, true, or through, astragals should be provided."

Historic Environment Scotland advised there were no major issues with the removal of the existing windows on site subject to appropriate replacement window units being installed, specifically a preference for all new windows to be timber sash and case, with matching details and operation and not uPVC.

In assessing the suitability of the proposed replacement windows the applicant was asked to provide a justification for pursuing uPVC replacements on the majority of the buildings subject to the proposal and conversion. Bar the 'West Complex' annotated on the submitted site plan, the applicant advised that all existing window frames are not of a condition capable of repair to produce traditional frames as was in place historically on site. The applicant has however advised that the condition of the existing window openings in the 'West Complex' will be traditional in nature subject to appropriate repair work.

A condition requiring a detailed methodology statement to be submitted for review and consideration by the Planning Authority prior to development commencing has been included. This condition will allow consideration of all proposed works to the windows in greater detail. Subject to this, it is considered the overall benefits brought by the development will safeguard the long term future of the listed buildings on site.

The proposals references use of sustainable building technologies as part of the development. Solar panels are proposed across the various buildings on site in this regard. No detailed information regarding the inclusion of solar panels as part of the development have been provided, however a condition requiring full details of the solar panel design and method of attachment to the external built fabric of the roofscapes on site has been included, in order to further consider this aspect in detail to protect the special architectural, historic interest and setting of the structures on site.

The proposed external alterations including the repair and replacement of the existing windows subject to further detailed discussion are welcomed.

The external alterations proposed will on the whole preserve the setting of the listed buildings to an acceptable standard.

Other Features of Interest-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings outlines the requirement to ensure listed buildings they have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

Through positive engagement with the applicant, it is proposed to retain the existing air raid shelter on site, with discussions centred around sensitive alterations to support creation of a children's play feature and integration of display board with a representation and historical explanation. A condition has been attached to obtain further details regarding the retention and reuse of the air raid shelter structure.

The proposed works to retain the air raid shelter as a feature of interest on site are welcomed. The alterations proposed and scope for further discussion and engagement with the Planning Authority will preserve the setting of the listed building to an acceptable standard.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural or historic interest and setting of the listed building and is acceptable with regards to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) There are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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:

A total of four representations were received in total. These included three comments in support and a single comment in objection. They are summarised below as follows.

Support Comments-

material considerations

- Redevelopment of an area which has been vacant for a number of years
- Safeguarding the long term future of a historical site

These comments are addressed in Section B - Assessment of this report.

Objection Comments-

non-material considerations

- Use of UPVC is unsympathetic in context of the listed buildings on site
- Lack of detailed information regarding material selection for proposed alterations to listed buildings

These comments are addressed in Section B - Assessment of this report.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposal is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed buildings that embody the special architectural interest that it possesses, and there will be no detrimental impact on the setting of any listed buildings.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Details of the proposed method of retention for the internal tiled wall at first floor level within building 1 hereby approved shall be submitted to and approved in writing by the Planning Authority before construction of this structure is commenced.
2. Details of the proposed method of retention for the retained prison cells at first floor level within the Guard House hereby approved shall be submitted to and approved in writing by the Planning Authority before construction of this structure is commenced.
3. Details of the proposed method of retention for the existing air raid shelter passageway hereby approved shall be submitted to and approved in writing by the Planning Authority before construction of this structure is commenced.
4. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation public engagement, interpretation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A detailed specification, including trade names (where appropriate) and sources, of all the proposed external materials (including recycled materials from the demolished structures) for repairs and alterations to the retained historic assets on the site 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 detailed methodology statement for the repair and replacement of all windows on site shall be submitted and approved in writing by the Planning Authority before any works to windows commence. The materials used for repair shall comprise original elements only, with the exception of any window frames where there is insufficient scope to repair or replace features. In such cases, details of

the proposed repair/replacement materials and methods shall be provided in the methodology statement. No part of the development hereby approved shall be occupied until the provisions for repair and replacement of the windows has been detailed in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.

Reasons

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

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 11 May 2022

Drawing Numbers/Scheme

01-11, 12B-26, 27

Scheme 2

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

Contact: Jay Skinner, Planning Officer
E-mail: jay.skinner@edinburgh.gov.uk

Appendix 1

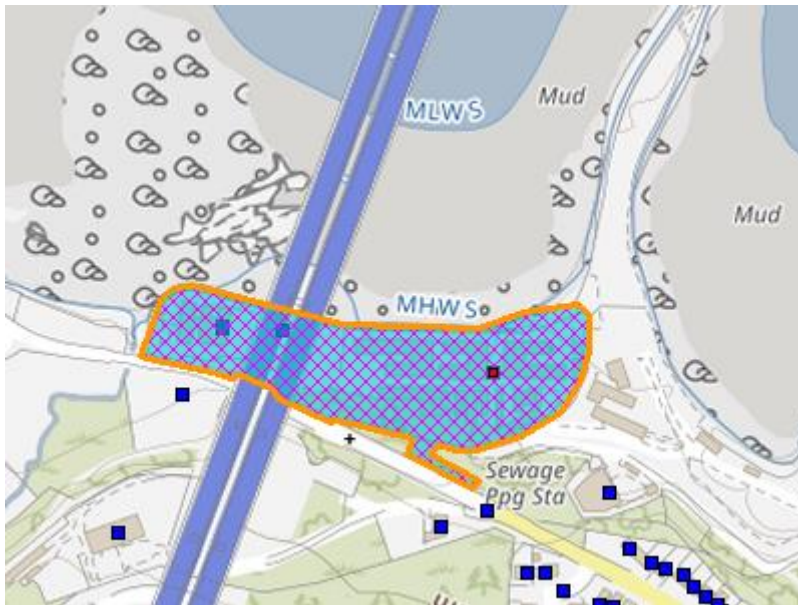
Summary of Consultation Responses

NAME: Historic Environment Scotland
COMMENT: No objection to the proposal.
DATE: 2 June 2022

NAME: Archaeologist
COMMENT: No objection to the proposal subject to a condition.
DATE: 14 June 2022

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 4 October 2023

**Application for Planning Permission STL
Garage 20 Meters East Of 21 St Catherine's Place, Edinburgh,**

Proposal: Change of use of ancillary domestic garage to short term let (Sui Generis), and external alterations.

**Item – Committee Decision
Application Number – 23/02361/FULSTL
Ward – B15 - Southside/Newington**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-Committee as it has received more than twenty material supporting comments and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

The change of use of this property to a short term let (STL) will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity.

The proposal does not comply with the Development Plan NPF4 policy 30 (e) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application unit comprises of a detached, single storey domestic garage, ancillary to 21 St Catherine's Place, Sciennes. The garage is situated within garden ground to the east of the main dwelling house at the site. The garage has its private vehicle and main door access from Sciennes Road to the north.

The surrounding area is predominantly residential. Both detached and tenement housing is located nearby. The site lies within the Grange Conservation Area.

Description Of The Proposal

Planning permission is sought for the change of use from an ancillary domestic building to short term let (sui generis). The proposal is for the formation of a self-contained accommodation unit. Both internal and external alterations are proposed.

Supporting Information

- NPF4 Supporting Planning Statement.

Relevant Site History

13/02305/FUL
21 St Catherine's Place
Edinburgh
EH9 1NU
Erect new garage.
Granted
14 August 2013

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 16 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 23 June 2023

Site Notices Date(s): 20 June 2023

Number of Contributors: 28

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states: "In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

The proposed alterations to the garage include the replacement of the existing garage door with a new timber lining and windows, a new raised timber door to the side elevation and the installation of a 1.8m high timber fence.

The proposed alterations to the garage are minor, make use of appropriate materials and will take place in existing structural openings. They will have limited impact on the character and appearance of the conservation area. The proposed fencing is also considered acceptable and will be screened from public view by an existing wall fronting Sciennes Road.

The change of use from an ancillary garage to a short term let will not have any material impact on the conservation area. The proposed development would preserve the appearance and character of the conservation area.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan?

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

- NPF4 Sustainable Places Policy 1.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3.

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

The non-statutory 'Listed Buildings and Conservation Area' guidance and 'Guidance for Householders' are material consideration that are relevant when considering NPF4 Policy 7 and LDP Policy Des 12.

Conservation Area

The external works proposed are minor and will have limited impact on the conservation area. There will not be a significant impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Design

The proposed works are of an acceptable design and are compatible with the existing structure. They will preserve the character and appearance of the conservation area as detailed in section a) of the assessment. The proposal complies with NPF4 policy 7 and LDP policy Des 12.

Proposed Use

With regards to NPF 4 Policy 1, the proposal is acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. The proposal 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 comprises a garage within the curtilage of 21 St. Catherine's Place. There is a medium to low degree of activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that the use of the garage for STL purposes would have a limited impact on the residential amenity of neighbouring properties given the character of the surrounding area, the unit's small size (33.6 sqm) and the proximity of the owners/operators to the site.

The surrounding area has a medium degree of activity during daytime hours with this level significantly reduced during the evening/night. There area is predominantly residential with limited commercial activity. A residential property directly borders the site to the east and numerous other residential properties are situated nearby.

The use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity. This may impact upon the residential properties located adjacent to and nearby the proposed STL unit. The presence of the current owners/operators on site may mitigate potential disturbances, however, given the context of the site and the proposed establishment of a separate planning unit, limited weight is given to this consideration.

The additional servicing that operating a property as an STL requires compared to that of the current use is also likely to result in an increase in disturbances, further impacting on neighbouring amenity.

This would be significantly different from the ambient background noise that neighbouring residents might reasonably expect and will have an unacceptable effect on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

The change of use will not result in any loss of residential accommodation. The existing use of the building is for a garage, ancillary to the main dwelling house at 21 St. Catherine's Place. NPF4 Policy 30(e) part (ii) is not applicable.

Parking Standards

Although one off-street parking space is available with the property, there are no parking requirements for STLs. Cycles can be parked inside the property. The proposals comply with LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal complies with policy 30 (e) part (ii) of NPF4 as the STL use will not result in the loss of residential accommodation. The change of use of this property to an STL will, however, have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity. The proposal does not comply with the Development Plan NPF4 policy 30 (e) part (i) and LDP policy Hou 7

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

28 representations were received for this application. This includes 25 in support, 2 objections and 1 general comment. A summary of the representations is provided below:

material considerations

- Limited impact on local residential amenity due to the unit's private access and existing boundary screening. Addressed in part b).
- Limited impact on local residential amenity due to small size of the proposed accommodation (two persons). Addressed in part b).
- The proposed accommodation would lead to local economic benefits through visitor spend. Addressed in part b).
- Limited impact on local residential amenity due to the character of the local area. Addressed in part b).
- The proposed alterations will have an acceptable visual impact on the character/appearance of the surrounding area. Addressed in part a).
- Negative impact in terms of waste management procedure. A waste management plan would have to be agreed with CEC Waste Services.
- Negative impact on local amenity given the residential character of the surrounding area. Addressed in part b).
- Negative impact relating to the loss of off-street parking capacity. Addressed in part b).

non-material considerations

- The STL will be well-managed by the owner/operator. Not a material 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 proposal complies with sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area.

However, the change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. Whilst it is recognised that there is an economic benefit to the city as a whole from the provision of tourist accommodation, in this case it does not outweigh the adverse impact on residential amenity.

The proposal does not comply with the Development Plan NPF4 policy 30 (e) part (i) and LDP policy Hou 7. There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Reason for Refusal:-

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity as the use of this property as a short term let will result in an unacceptable impact on local amenity.

Informatives

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 June 2023

Drawing Numbers/Scheme

01, 03

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sean Christie, Assistant Planning Officer

E-mail:sean.christie@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Report returning to Committee - Wednesday 4 October 2023

**Application for Planning Permission
7 Murrayburn Gate, Edinburgh, EH14 2SS**

Proposal: Proposed affordable housing development comprising 73 units with associated infrastructure and landscape.

**Item – Committee Decision
Application Number – 22/03302/FUL
Ward – B02 - Pentland Hills**

Report Returning to Committee

This application was granted at the Development Management Sub-Committee on 25 January 2023 subject to a Legal Agreement requiring an education contribution. Preparation of the legal agreement is progressing and is expected to reach the completion stage shortly.

The application is returning to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023 which therefore now forms part of the development plan against which the development proposals require to be assessed.

Recommendations

It is recommended that this application be Minded to Grant - Legal Agreement

SECTION A – Assessment

National Planning Framework 4

National Planning Framework 4 (NPF4) (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policies 1, 2, 3c, 7h, 12, 13 (b, c and e), 14 (a, b and c), 15a, 16 (c, e and f), 19 & 22c, 23 . These are grouped together under the themes of principle, historic environment, local living and quality homes and infrastructure, biodiversity and blue/ green infrastructure.

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

Principle

Policy 2 Climate Mitigation and Adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. The development is on a brownfield site and will provide an intensification of use through development of affordable housing. The new building will provide a development form which offers longevity for future use. The proposal is acceptable in principle in this regard.

Historic Environment

Policy 7h states that development proposals affecting scheduled monuments will only be supported where: direct impacts on the scheduled monument are avoided; significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

Given the scale of previous development on the site it is considered unlikely that significant archaeological remains will have survived on this site. Accordingly, it has been concluded that there are no known archaeological implications regarding this development. As a result, the proposal complies with Policy 7h.

Local Living, Quality Homes and Infrastructure

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

The proposed parking provision is for accessible parking (2 spaces) and car club spaces only (2 spaces). The site is located close to the city's active travel network, a train station and is well served by the bus network. Lower levels of car parking are proposed given the site's proximity to public transport and the city's active travel network. A total of 188 cycle spaces are proposed, which exceeds the minimum requirements as set out in the Edinburgh Design Guidance. This complies with the requirements of the LDP and Edinburgh Design Guidance and is compliant with Policy 13 in this regard.

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

The development proposal includes provision of 100% affordable housing on site which complies with the provisions of Policy 16e.

Policy 14 seeks to ensure that development proposals improve the quality of an area. The design of the proposal is based around a central, south facing communal courtyard area which provides shared amenity space. The block plan infills the frontage to the

street on Murrayburn Gate, which will create a strong defensible boundary and clearly defines the street edge.

The choice of external materials and detailed architectural features of the building are appropriate to the site's townscape and reflect the character and qualities of the surrounding area. The proposal meet the requirements of Policy 14.

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

Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity in accordance with national and local guidance. The proposal will provide a range of landscape treatments which will support and encourage biodiversity on the site. An informative is included in the consent in relation to the provision of swift bricks within the development.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation and will incorporate the use of an air source heating system. The applicant has undertaken the required Part A of the Council's S1 Sustainability Assessment and complies with the requirements.

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

Other Material Considerations

There are no new material considerations arising from those previously considered on 25h January 2023 by this Committee. It is therefore recommended that the application is granted.

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

Or [Council Papers online](#)

David Givan
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Development Management Sub-Committee Report

Wednesday 4 October 2023

Application for Planning Permission

104 - 106, 107 & 108 Princes Street, Edinburgh, EH2 3AA

Proposal: Redevelopment including demolition for hotel use (Class 7) with ancillary bar /restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. (As amended).

Item – Committee Decision

Application Number – 23/01417/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

Recommendation

It is recommended that this application be **Minded to Grant - Legal Agreement** subject to the details below.

Summary

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

The proposals will have due regard for the global climate and nature crisis, will preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the World Heritage Site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, and archaeology, and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

SECTION A – Application Background

Site Description

The application site totals 0.22 hectares of land, and is comprised of three buildings located on the northern side of Princes Street operated as a mix of retail units and offices. The site is bounded to the rear by Rose Street South Lane and to the east and west by other buildings.

Two of the three buildings on the site are category B listed. 104-105 Princes Street is the former Clarendon Hotel and arcade (ref: LB29511; date: 20/02/1985) and 106 Princes Street is a late 18th century townhouse (ref: LB43324; date: 28/03/1996). To the immediate west of the site are the category B listed buildings 109, 110 and 111 Princes Street (ref: LB30147; date: 12/12/1974). To the north of the site across Rose Street South Lane are the category B listed buildings 116 Rose Street (ref: LB29648; date 28/03/1996) and 138-142 (even nos) Rose Street (ref: LB29649; date 28/03/1996). There is an extant permission in place at 109 - 112 Princes Street and 144-150 Rose Street for the site's redevelopment and change of use to form a hotel with retail on the lower floors and associated ancillary uses (application ref: 20/05444/FUL).

The site is located within the New Town Conservation Area, the Old and New Towns World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape, the City Centre, the City Centre Retail Core, and the designated Urban Area.

Public transport links are highly accessible from the site.

Description Of The Proposal

Redevelopment including demolition for hotel use (Class 7) with ancillary bar and restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. The demolition refers to 107-108 Princes Street, a non-listed early 1970's panel building, and to areas of the rear of 106 and 104 -105 Princes Street, including the arcades. The facades and significant proportions of 106 and 104-105 are to be retained, though works to enable the conversion of the remaining historic fabric are proposed.

A seven storey building at 107-108 Princes Street is proposed, stepping down to six storeys at the rear of 106 and 104-105 Princes Street. This includes a new frontage to Princes Street in the footprint of 107-108 Princes Street and a new rear elevation facing Rose Street South Lane. Three new shop frontages are proposed, featuring a retail unit at the ground and first floor of 107-108 Princes Street and a combined hotel entrance lobby at 106 and 104-105 Princes Street. The upper floors of the three buildings are to be amalgamated into areas for hotel bedrooms and servicing, arranged around three external courtyards. Structural works and roof replacement will be undertaken to ensure the stability of the existing listed buildings, whilst major internal refurbishment works at 106 and 104-105 Princes Street are proposed to enable the proposed use. A bar area is proposed at the sixth floor of 104-105 Princes Street.

In total 5000 sqm of Class 7 hotel use space is proposed (347 bedrooms), including associated ancillary bar and restaurant facilities, and 935 sqm of retail use. The site will be accessed via Princes Street and Rose Street South Lane.

Supporting Information

- Planning Statement
- Design and Access Statement (Revised)
- Heritage and Townscape Statement (Revised)
- Pre-Application Consultation Report
- Hotel Needs Study
- Air Quality Screening Assessment
- Noise Impact Assessment (Revised)
- Preliminary Bat Roost Assessment and Nesting Bird Survey Report (Revised)
- Daylighting Impact Assessment
- Economic Benefits Statement
- Transport Statement
- Surface Water Management Plan and Flood Risk Assessment (Revised)
- Surface Water Management Plan Checklist
- Sustainability Statement and S1 Sustainability Statement Form
- Energy Statement
- Phase 1 Geo-environmental and Geotechnical Desk Study

Schedule Two

Application amended to narrow the link between the newbuild and historic frontage buildings, to introduce a setback to the upper most storey at the rear of 104-105 Princes Street, and to alter the Princes Street elevation roofscape of 107-108 Princes Street.

Relevant Site History

23/01420/LBC

104-105 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations including partial demolition and rear extension to form new hotel. (As amended).

23/01422/LBC

106 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations, including partial demolition and rear extension, to form new hotel. (As amended).

23/01425/CON

107 - 108 Princes Street

Edinburgh

EH2 3AA

Demolition of retail and office building. (As amended).

20/00569/FUL

104 - 106 Princes Street

Edinburgh

EH2 3AA

External alterations including removal of timber fascias to reveal original concrete cantilevered roofs, installation of glazing to existing window openings and installation of glazed doors within existing shelters at West Princes Street Gardens (Resubmission related to 19/05353/FUL).

Granted

30 March 2020

20/00570/LBC

104 - 106 Princes Street

Edinburgh

EH2 3AA

Alterations to cantilevered roof, installation of glazing within existing window openings, installation of glazed doors and internal alterations including installation of new linings to existing shelters at West Princes Street Gardens.

Granted

30 March 2020

02/01586/LBC

104-106 Princes Street

Edinburgh

EH2 3AA

Erect new shopfront, signage, rear extension to second floor and fire escape link and internal alterations

Granted

3 October 2002

02/01586/FUL

104-106 Princes Street

Edinburgh

EH2 3AA

Erect new shopfront, rear extension to second floor and fire escape link

Granted

11 September 2002

93/00834/FUL

104-106 Princes Street

Edinburgh

EH2 3AA

Carry out stonecleaning, stonework repairs & roof works.

Refused

4 August 1993

20/05444/FUL

109, 110 And 111 Princes Street,
112 Princes Street And 144-150 Rose Street
(Debenhams)

Proposed redevelopment + change of use of existing premises to form hotel with rooftop bar/restaurant, active uses at lower floors including restaurant/bar/retail/flexible meeting/event/venue space, health suite/gym, together with ancillary uses, associated works/alterations/demolitions (use classes 1/2/3/4/7/11 and sui generis).

Granted

27 January 2022

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland
Edinburgh World Heritage
Archaeology
Economic Development
Flooding
Edinburgh Trams
Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 21 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023

Site Notices Date(s): 25 April 2023

Number of Contributors: 11

Section B - Assessment

Determining Issues

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

a) Is there a strong presumption against granting planning permission due to the proposals:

- i. harming the listed building or its setting? or
- ii. conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change In the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change In the Historic Environment Guidance on Conservation Areas
- Managing Change In the Historic Environment: External Walls
- Managing Change In the Historic Environment: Gardens and Designed Landscapes
- Managing Change In the Historic Environment: Interiors
- Managing Change In the Historic Environment: Setting
- Managing Change In the Historic Environment: Shopfronts and Signs
- Managing Change In the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change In the Historic Environment: Windows
- Managing Change In the Historic Environment: World Heritage

Setting of Listed Buildings

Though the proximity of several listed buildings to the site is noted, the proposal is not considered to have a negative impact on the setting of any nearby listed buildings due to the site's location within a dense urban townscape.

104-105 Princes Street

104-105 Princes Street is a 4-bay former hotel with mansard roof, featuring a modern retail unit and shopfront at the ground floor and forming a significant part of Princes Street's streetscape. The building features a decorative front façade that utilises a polished cream ashlar sandstone finish. The upper floors of the building are disused and in an advanced state of disrepair. To the rear of the building is the former arcade and workshop area featuring a notable stone façade that faces onto Rose Street South Lane, which though altered, contributes to the significance and special architectural interest of the building. Internally the building has undergone significant and repeated modern alteration leaving few original features intact. The ground and first floors were most recently converted to open-plan retail space, whilst several windows have been covered and converted to host plant machinery, which Historic Environment Scotland notes as being of detriment to the character of the building.

In essence, the scheme seeks to retain and restore the façades of the listed building, whilst converting the internal site area into usable commercial space, including the addition of significant mass to the rear of the building. On balance the proposal should not be seen as of harm to the special architectural or historic interest of the listed building. Historic Environment Scotland has not objected to the proposal.

The additional height and massing proposed to the rear of the building will obscure much of the surviving rear elevation of the frontage blocks of 104 - 105 Princes Street and reduce the existing distinction between the frontage building and the arcade to its rear, leaving little articulation of the form of the former arcade buildings when viewed from Rose Street South Lane. However, in other aspects the proposal represents an opportunity for conservation gain, as the proposal will involve works to address structural issues and to rectify the harm done by various internal modern alterations. In particular the scheme will reintroduce courtyard areas to the rear of 104 - 105 Princes Street, revealing the rear wall of the listed building. A condition has been attached to the consent requiring the in-situ retention of the rear façade of 104 - 105 Princes Street, addressing concerns raised by Historic Environment Scotland regarding the impact on the stability of the stonework should it be taken down and rebuilt as proposed.

106 Princes Street

106 Princes Street is a late 18th Century 3-storey 3-bay former townhouse with a 19th century timber build out at 1st floor and modern shop build out at ground level. The building is a significant surviving part of the original fabric of Edinburgh's New Town. Few internal historic features remain following significant and repeated modern alterations.

Following amendments to the originally proposed scheme the existing timber work and bay window arrangement at first floor level and the roof (excluding the dormer windows) is to be retained. Whilst the rear building that is to be removed is part of the listing it does not contribute to the character or significance of the frontage former townhouse.

On balance, the proposal is not considered to be of harm to the special architectural or historic interest of the listed building. Historic Environment Scotland has not objected to the proposal.

Conclusion in relation to the listed building

The proposal will preserve the special architectural and historic interest of the listed buildings. It is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

- Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- terminated vistas within the grid layouts and the long-distance views across and out of the conservation area;
- a richly varied topography of ancient landform shaped by volcanism and later by glacial scouring;
- internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement; and
- gardens that create open and framed long distant picturesque views of exceptional quality.

104-105 Princes Street and 106 Princes Street are considered to make a significant contribution to the New Town Conservation Area, whilst 107-108 Princes Street is not considered to be of heritage value. As the special architectural and historic interest of 104-105 Princes Street and 106 Princes Street is to be preserved, the proposed alterations to the two buildings are considered to preserve the character and appearance of the Conservation Area. The demolition of 107-108 Princes Street is not considered to impact the character or appearance of the conservation area as it is not understood to contribute to the character or appearance of the conservation area.

The proposed building at 107-108 Princes Street makes use of a suitable contemporary design, reflecting the architectural features of buildings that contribute to Princes Street's streetscape. In broad terms, what is proposed preserves the spatial and structural patterns of the area and makes use of high quality materials appropriate to the location. In terms of the Princes Street elevation, the proposal reinforces the formal plan form of the first New Town, replacing a building that whilst representative of its time, utilised a design and materials that do not fit closely with adjacent buildings. In terms of the Rose Street South Lane elevation, the proposals reinforce the character of the lane and it's primary historic function as an access route for the servicing of buildings that front onto Princes Street.

The predominant impact the proposed development will have is to the roofscape of the New Town, altering the roofline of a section of Princes Street. When considering views from the Old Town towards the New Town, the additional building mass to the rear of 104-105 Princes Street, 106 Princess Street and the proposed building at 107-108 Princes Street will be most prominent, impacting on the varied roofscape of the New Town, and in particular partially obscuring views to buildings located between Rose Street South Lane and Rose Street. However, these views are not protected or otherwise identified in the Edinburgh Design Guidance, Skyline Study or the New Town Conservation Area Character Appraisal and consequently the impact is considered acceptable.

Conclusion in relation to the conservation area

The works will preserve the special character and appearance of the conservation area. The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

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

- LDP Delivering the Strategy Policies Del 1 and Del 2.
- LDP Design policies Des 1, Des 4, Des 5, Des 11, and Des 13.
- LDP Environment policy Env 21.
- LDP Employment and Economic Development policy Emp 10.
- LDP Retail policies Ret 1 and Ret 2.
- LDP Transport policies Tra 1, Tra 2, and Tra 3.
- LDP Resources and Services policy RS 6.
- NPF4 Sustainable Places policies 1, 2, 3, 7, and 12.
- NPF4 Liveable Places policies 14 and 22.
- NPF4 Productive Places policies 27, 28, and 30.

The non-statutory Edinburgh Design Guidance, Listed Buildings and Conservation Area Guidance and Guidance for Businesses are relevant material considerations when assessing the application's compliance with the development plan.

The City Centre Princes Street Development Framework and the Princes Street (Blocks 1-7a) Development Brief are relevant material considerations when assessing the application's compliance with the development plan.

Principle of use

The proposal is for a mixed use development that will enhance and improve the vitality and viability of the City Centre, generating significant footfall in the area and contributing to the diverse range of tourist accommodation available in Edinburgh. Retail uses are to be retained at the ground floor in keeping with the current pattern of

development of Princes Street, the Princes Street (Blocks 1-7a) Development Brief, and a town centre first approach, whilst the increased density of activity that will result from the proposal contributes to maximising the potential of the site. The retail units that are proposed will strengthen the role of Edinburgh's city centre retail core as a regional shopping centre and safeguard historic character.

Whilst the proposal does not deliver offices on the upper floors, which is noted as the preferred use in LDP Policy Des 2 criteria c, in this circumstance the proposed Class 7 Hotel use is considered acceptable given the proximity of the site to major tourist attractions and public transport facilities, as well as the likely economic benefits of the proposal as demonstrated by the Economic Benefits Statement provided by the applicant and the consultation response from the Council's Development & Regeneration Service.

The proposal complies with LDP policies Del 2, Emp 10, Ret 1 and Ret 2, and NPF4 policies 27a, 27b, 28a and 30b.

Climate Change & Sustainability

The proposal will have a positive impact on the climate and nature crisis. It is estimated that the proposal will result in a significant reduction in carbon emissions when compared with the continuation of the use of the site without renovation. When accounting for lifecycle emissions over a 60 year period, the development is forecast to result in an approximate 65% reduction in CO₂(e) emissions, accounting for both operational emissions and the carbon impacts of demolition.

The development is sited and designed to minimise life cycle greenhouse gas emissions, aspiring to net-zero operational emissions (this will require further assessment as part of the building warrant process), and will involve the retrofitting and sustainable reuse of large parts of the on site heritage assets in line with the waste hierarchy, as well as bringing significant proportions of the currently vacant upper floors of 104 to 106 Princes Street back into productive use. A condition is added concerning recycling of demolition materials.

The proposal complies with NPF4 policies 1, 2, 3, 12a, 12b, 12c, 27a, 27b, 28a and 30b.

Heritage

Listed Buildings & Conservation Area

The proposal will have an acceptable impact on the two category B listed buildings at 104-105 Princes Street and 106 Princes Street, preserving where possible the parts of the buildings important to their heritage value and enabling their restoration and reuse. That the facades of 104 - 105 Princes Street and 106 Princes Street to Princes Street and the gable end wall to Rose Street Lane South of 104-105 Princes Street are to be retained is of considerable value. The reintroduction of the courtyard to the rear of 104-105 Prince Street represents conservation gain, revealing the rear wall of the listed building. The increased massing to the rear of the buildings and the height of 107-108 Princes Street however will obscure much of the surviving rear elevation of the frontage blocks of 104 - 105 Princes Street and 106 Princes Street, and reduces the existing distinction between the frontage buildings and their rears.

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. NPF4 Policy 7 d) supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting. NPF4 Policy 7 f) and g) place constraints on the demolition of buildings in conservation areas which make a positive contribution to the conservation area's character. 107-108 Princes Street is not considered to make a positive contribution to the New Town Conservation Area's Character and (as assessed elsewhere in the report) an acceptable design, layout and materials are proposed for the replacement development.

An assessment of the impact of the proposal on the special architectural or historic interest of the listed buildings is made in section a). The proposals comply with NPF4 Policies 7c, 7d, 7f and 7g.

World Heritage Site

The proposal will result in a minor degree of impact to the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Primarily, the increase in height and rear massing of 107-108 Princes Street, the increase in massing to the rear of 106 Princes Street, and the increase in massing to the rear of 104-105 Princes Street result in a change to the distinct hierarchy of the streets within the New Town, and the balance of heights of the buildings along Princes Street.

However, the extent of impact is considered comparatively minor and overall acceptable, as in the context of the wider townscape, other modern interventions in proximity to the site, and the heritage gain that can be attained from the scheme, the impact of the disruption to views that contribute to the World Heritage Site is considered to be low. A similar view is taken by Historic Environment Scotland who, "do not consider that the proposed impact on the OUV is significant enough to object", though they outline a number of reservations. Conversely, Edinburgh World Heritage view the impact to the OUV of the World Heritage Site more strongly, as "harmful", however they do not object to the proposals.

The proposal complies with NPF4 policy 7l).

Archaeology

The proposals involve the demolition of 107-108 Princes Street and renovations and retrofitting of 104-05 and 106 Princes Street, each partially representative of the varied development history of Princes Street. Such proposals are therefore regarded as having a significant archaeological impact in terms of loss of fabric and character in respect of these buildings. In order to successfully mitigate the archaeological impact of the proposed works and thereby ensure their acceptability with regard to the development plan, a condition has been attached to this consent.

The proposal complies with NPF4 policy 7o subject to conditions.

Design

The design of the development is of a high quality, drawing upon the positive characteristics of the surrounding area and on site heritage assets to contribute to the sense of place in the surrounding area. The proposal has been assessed against the impact it will have on its surroundings, and the application is, on balance, viewed as preserving the character of the wider townscape and as consistent with the six qualities of successful places. The height, massing, scale and proposed materials are of a similar character and urban grain to the surrounding buildings and are consequently appropriate in this location and in compliance with the relevant sections of the Edinburgh Design Guidance.

The proposal at 107-108 Princes Street matches with the scale and height of 104-105 Princes Street, referencing the design of the facades at 104-105 Princes Street, 106 Princes Street and of 109 Princes Street (the Liberal Club), whilst making use of suitable materials, blonde sandstone, in this highly sensitive location. A condition has been attached to the consent requiring that details of the materials to be used are approved by the planning authority before works commence on site. Although adopting a modern design aesthetic, the proposed shopfront at 107-108 Princes Street fits harmoniously with the building and with other shopfronts along Princes Street, taking inspiration in its design from the original shopfronts present prior to the installation of the more modern current shopfronts.

The shopfront at 104-105 Princes Street is to be a recreation of the originally intended shopfront based on historic drawings. The shopfront at 106 Princes Street is to be a traditional interpretation of Victorian shopfronts common in the New Town. On balance this is considered to be an appropriate approach, as little of the historic fabric of the original shop fronts remain due to the substantial alterations made over time, and the proposed shopfronts will relate well to the historic buildings they form part of and to the wider area.

The proposal complies with LDP policies Des 1, Des 4, Des 11, Des 13 and NPF4 policies 14a, 14b and 14c.

Amenity

Daylight

Whilst the development will result in a reduction in the amount of daylight that the windows of several neighbouring residential properties receive, the applicant has been able to demonstrate that where the new buildings rise above a 25° line drawn in section from the horizontal at the mid-point of the existing windows, a Vertical Sky Component (VSC) of greater than 0.8 of the window's former value is maintained.

This is with one exception, as window 28 (as numbered in the daylighting assessment) will be impacted by the proposed development such that the window's VSC is reduced to less than 0.8 of the window's former value. However, given that the window has an existing VSC of 10.67, significantly below what is considered adequate for living spaces by the Edinburgh Design Guidance; the comparatively low nominal fall in the VSC that will result from the proposed development; and the dense townscape of the area, the impact to the window is considered to be a minor and overall acceptable infringement of the Edinburgh Design Guidance.

Noise, air quality, water quality and odour

The Air Quality Impact Assessment and Surface Water Management Plan provided demonstrate that impacts on local air and water quality and noise are acceptable. A condition has been attached to account for any potential land contamination that may have resulted from the former uses of the land. Concerns regarding noise and odour resulting from the both the primary hotel use and the associated ancillary bar and restaurant facilities remain however, and as such a condition has been attached in order to ensure the application's compliance with the development plan.

The proposal complies with policy Des 5 subject to conditions.

Biodiversity

Preliminary bird and bat roosting assessments have been submitted. They identify the site as having a moderate potential for bat roosting and the potential for bird nesting. The reports in question recommend a number of mitigation measures are taken to account for this, which have been required to be undertaken by a condition in order to ensure that the development will not have an adverse impact on protected species.

The proposal complies with NPF4 Policy 4f subject to conditions.

Flooding

The applicant has demonstrated in their surface water management plan that the development will not result in an increased risk of flooding. However as the development proposes surface water be discharged to the combined network it is necessary for it to be confirmed that there is adequate sewerage available to account for this. An informative has been attached requiring the applicant submit confirmation that the proposed surface water discharge rate to the combined network is acceptable to Scottish Water.

The proposal complies with LDP policy Env 21 and subject to conditions LDP policy RS 6, and NPF4 Policy 22c.

Transport

The development is to be located on a suitable site in the city centre for significant travel demand generation and is in line with the sustainable travel and investment hierarchies. No car parking is proposed which is appropriate in this urban location as the site is well-served by sustainable transport modes and no barriers to access are created for disabled people.

Cycle parking totalling 41 spaces is proposed, however it is unclear from the documentation provided the exact type, location and design of the parking. Consequently a condition has been attached requiring the proposed cycle parking to conform with the requirements of the Edinburgh Design Guidance, in order to ensure compliance with the Development Plan and non-statutory guidance, including the Cycling Parking Factsheet.

A Travel Plan is proposed as part of the Transport Assessment and an informative has been attached to the consent noting that this should include a high quality map of the neighbourhood for staff and guests that shows walking cycling and public transport routes as well as and timetables for local public transport routes.

The applicant is required to contribute the net sum of £310,544 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate and the use period will be 10 years from date of payment. A suitable legal agreement is required to secure this contribution.

The proposal comply with policy Tra 1, Tra 2 and Tra 3 subject to conditions.

Conclusion in relation to the Development Plan

The proposals will have due regard for the global climate and nature crisis, will preserve the preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the world heritage site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, archaeology and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A total of eleven representations were received. A summary is provided below:

material considerations

- Amenity impacts to neighbouring residents (daylighting). Addressed in Section C.
- Amenity impacts to neighbouring residents (sunlighting). No unreasonable reduction in the amount of sunlight reaching neighbouring amenity space is identified.
- Amenity impacts to neighbouring residents (noise). Addressed in Section C.
- Amenity impacts to neighbouring residents (privacy). Addressed in Section C.
- Amenity impacts to neighbouring residents (outlook). Private views are not protected.
- Impact to road safety on Rose Street South Lane. No road safety impacts have been identified.
- Concentration of hotels in the area. Addressed in Section C.
- The increase in the number of hotel guests will result in additional littering. Suitable refuse and recycling facilities are to be provided on site.
- Impact on the World Heritage Site. Addressed in Section C.
- Impact on listed buildings . Addressed in Section A and C.
- Impact on the New Town Conservation Area . Addressed in Section B and C.
- Impact on buildings of heritage value. Addressed in Section C.
- The height of the proposed buildings. Addressed in Section C.
- The design of the proposal is not of sufficient quality. Addressed in Section C.
- The design of the facade at 107-108 Princes Street. Addressed in Section C.
- Impact to local services from the proposed hotel use. Addressed in Section C.
- Rose Street South Lane is unsuitable for the servicing of the proposed building. Addressed in Section C.
- Impact to local sewerage. Addressed in Section C.
- The proposed design of the rear elevation is aesthetically unpleasant. Addressed in Section C.
- Impact to roosting bats and nesting birds. Addressed in Section C.
- It would be more sustainable to reduce the extent of demolition as this would retain more embodied carbon. Addressed in Section C.
- Impact to local air quality. Addressed in Section C.
- The need for a construction management plan. A construction management plan is not considered appropriate in this circumstance.

non-material considerations

- The amenity impacts of construction works.
- Damage to buildings in proximity to the site from construction works.
- Impact to traffic flow from construction works.
- The local area already has sufficient hotels.
- Other proposed uses for the site.
- Rises in Council Tax.
- The overshadowing of neighbouring listed buildings will impact their good maintenance.
- The ownership of the land.
- A newspaper advertisement of the application is required.
- The motivations of the applicant and investors.
- Potential impacts to the feasibility of construction works on adjacent land.

- Fire safety during construction works.
- The need for engagement between the applicant and adjacent land owners during construction works.

Conclusion in relation to identified material considerations

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

Overall conclusion

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

The proposals will have due regard for the global climate and nature crisis, will preserve the special architectural and historic interest of the listed buildings, the character and appearance of the conservation area and the outstanding universal value of the World Heritage Site. The proposals are acceptable in principle and are of an acceptable design. The proposals do not result in an unacceptable impact to neighbouring amenity, flooding, biodiversity, and archaeology, and do not raise concerns regarding transportation. Therefore, the proposals comply with the overall objectives of the Development Plan. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application 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. Prior to commencement of works, details or evidence/analysis of the condition of the rear stone facade of 104-105 Princes Street shall be submitted to and approved by the Council, as planning authority.
3. No demolition/alterations/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, interpretation, 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.
4. 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.

5. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
6. The noise from the proposed mechanical ventilation and mechanical services plant shall meet the maximum output levels as detailed in Tables 4.3, 4.4 and 4.5 of the submitted Sharps Redmore Noise Impact Assessment (Project 2120918, R1a dated 14-08-2023).
7. If works are carried out on site during the breeding bird period (March to September inclusive), prior to their commencement a pre-works nesting bird check and a toolbox talk for on site workers covering the ecological requirements of the site will be undertaken.
8. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.
9. Notwithstanding previous drawings provided, 35 cycle parking spaces for the hotel and 6 cycle parking spaces for the proposed retail unit shall be provided, complying in type and design with the standards described in the Edinburgh Design Guidance and implemented upon occupation of the development hereby approved.
10. Details of a strategy for re-use of demolition materials on the site, as part of a pre-demolition audit, shall be submitted to and approved by the Council, as planning authority, before development commences and the recycling of demolition materials shall be carried out in accordance with the aforesaid strategy.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of the listed building.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.

5. In order to ensure the site is made safe for the proposed use.
6. In order to protect residential amenity.
7. In order to comply with NPF4 policy 4f with respect to protected species.
8. In order to ensure compliance with the Development Plan.
9. In order to comply with Local Development Plan Policy Tra 3 in respect of Private Cycle Parking.
10. In order to ensure the satisfactory re-use of brownfield land in accordance with Policy 9 d) of NPF4.

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:

Transport

The applicant is required to contribute the net sum of £310,544 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate and the use period will be 10 years from date of payment.

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. The proposed travel plan should include a high quality map of the neighbourhood for staff and guests that shows walking cycling and public transport routes as well as and timetables for local public transport routes.

5. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement.

6. The proposed site is on or adjacent to the operational / proposed Edinburgh Tram. To ensure that work on or near the tramway is carried out safely it is necessary to obtain authorisation to agree a safe system of work. It is a legal obligation to comply with the Authority to Work (AtW) process whilst working on or near the tramway.

7. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 April 2023

Drawing Numbers/Scheme

01, 02, 03A, 04-33, 34A-39A, 40-42, 43A, 44-49, 50A-62A63, 64A-70A, 71-73.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: While we welcome the re-design of the roof to the proposed replacement building at Nos. 107-108, the proposals would still have some impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Currently, Nos.104-105 maintains the historical hierarchy of scale between Princes Street and the rear mews lane, but this relationship would be lost under the proposals. The increased height to Nos. 107-108 and the increased height proposed above the rear arcade range would result in adverse impacts on the balance of heights along Princes Street and associated views that contribute to the OUV. We do not consider that the proposed impact on the OUV is significant enough to object, and our advice remains that the impacts of the development across this large site (Nos. 104-108 inc. and Rose Street South Lane) could be reduced by reducing the height and massing of the development in relation to the existing townscape (neighbouring listed buildings) and also to retain more of the important hierarchy of scale between frontage, 'courtyard' area and rear lane. This may involve the removal of levels of accommodation.

DATE: 13 September 2023

NAME: Edinburgh World Heritage

COMMENT: We acknowledge positive heritage elements of the proposed works, notably the enhancement of historic shopfronts at ground level and retention of overall roofscape character to 106 and 104-105. However, we have concerns regarding the following elements of the application. On balanced consideration of the proposal, we consider that the proposals would have a harmful impact on the OUV of the World Heritage Site.

DATE: 5 September 2023

NAME: Archaeology

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 27 April 2023

NAME: Economic Development

COMMENT: It is estimated that the existing space could support 517 FTE jobs and £15.943 million of GVA per annum (2020 prices) if fully occupied. By comparison, it is estimated that the development as proposed could support 395 FTE jobs and £7.183 million of GVA per annum (2020 prices). This represents a net reduction of 122 FTE jobs and £8.760 million of GVA per annum (2020 prices). This reflects the high employment density of high street retail space and the high employment density and GVA per employee of office space. However, it is recognised that the existing buildings are largely empty and that it may be highly challenging for them to be fully occupied in their current form.

DATE: 26 April 2023

NAME: Flooding

COMMENT: No objections subject to appropriate conditions and informatives.

DATE:

NAME: Edinburgh Trams

COMMENT: No objections subject to appropriate informatives.

DATE: 1 May 2023

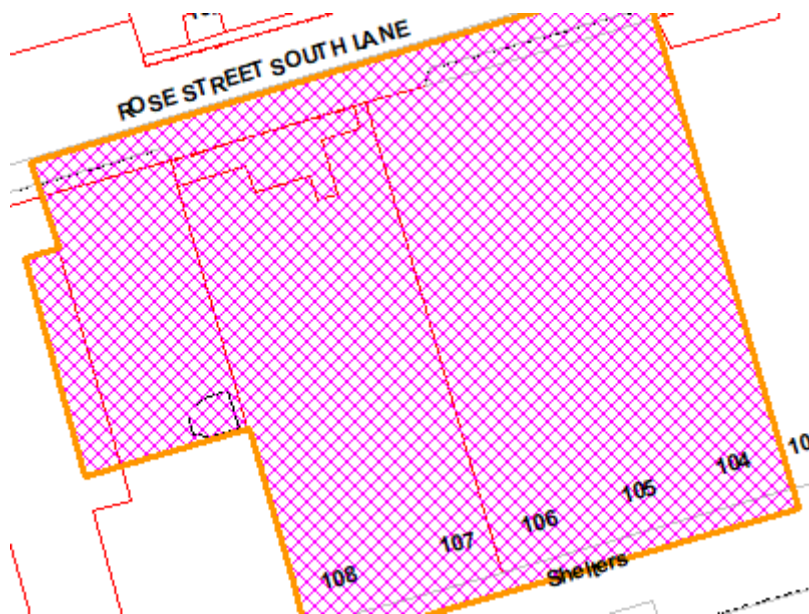
NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 12 September 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 4 October 2023

**Application for Listed Building Consent
104-105 Princes Street, Edinburgh, EH2 3AA**

Proposal: Internal and external alterations including partial demolition and rear extension to form new hotel. (As amended).

**Item – Committee Decision
Application Number – 23/01420/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve the character and appearance of the conservation area. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

SECTION A – Application Background

Site Description

The application site totals 0.22 hectares of land, and is comprised of three buildings located on the northern side of Princes Street operated as a mix of retail units and offices. The site is bounded to the rear by Rose Street South Lane and to the east and west by other buildings.

Two of the three buildings on the site are category B listed. 104-105 Princes Street is the former Clarendon Hotel and arcade (ref: LB29511; date: 20/02/1985) and 106 Princes Street is a late 18th century townhouse (ref: LB43324; date: 28/03/1996). To the immediate west of the site are the category B Listed Buildings 109, 110 and 111 Princes Street (ref: LB30147; date: 12/12/1974). To the north of the site across Rose Street South Lane are the category B listed buildings 116 Rose Street (ref: LB29648; date 28/03/1996) and 138-142 (even nos) Rose Street (ref: LB29649; date 28/03/1996). There is an extant permission in place at 109 - 112 Princes Street and

144-150 Rose Street for the site's redevelopment and change of use to form a hotel with retail on the lower floors and associated ancillary uses (application ref: 20/05444/FUL).

The site is located within the New Town Conservation Area, the Old and New Towns World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape, the City Centre, the City Centre Retail Core, and the designated Urban Area.

Public transport links are highly accessible from the site.

Description Of The Proposal

Internal and external alterations to 104-105 Princes Street, including partial demolition and development of the site for hotel use (Class 7) with ancillary bar and restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. The demolition refers to 107-108 Princes Street, a non-listed early 1970's panel building, and to areas of the rear of 106 and 104 -105 Princes Street, including the arcades. The facades and significant proportions of 106 and 104-105 are to be retained, though works to enable the conversion of the remaining historic fabric are proposed. The associated planning application includes the proposed work to 104-105 Princes Street.

A seven storey building at 107-108 Princes Street is proposed, stepping down to six storeys at the rear of 106 and 104-105 Princes Street. A new shop frontage is proposed at 104-105 Princes Street as well as a combined hotel entrance lobby with 106 Princes Street. The upper floors of 104-105 Princes Street are to be amalgamated with 106 and 107-108 Princes Street into areas for hotel bedrooms and servicing, arranged around three external courtyards. Additionally a bar area is proposed at the sixth floor.

Structural works and major internal refurbishment to ensure the stability of the existing listed buildings and to enable new use are proposed, including the replacement of the existing roof with a matching roof, the removal and replacement of modern alterations, restorative works to the facades, works to the rear gable wall, and the replacement of the existing shop front with a recreation of the original from historic drawings. The existing historic fabric of the building is to be retained or reused where possible throughout.

Supporting Information

- Planning Statement
- Design and Access Statement (Revised)
- Heritage and Townscape Statement (Revised)
- AVR visualisations

Schedule Two

Application amended to accord with amendments made to associated planning application (reference: 23/01417/FUL) regarding downtakings the narrow the link between the newbuild and historic frontage buildings, to introduce a setback to the upper most storey at the rear of 104-105 Princes Street, and to alter the Princes Street elevation roofscape of 107-108 Princes Street.

Relevant Site History

23/01417/FUL

104 - 106, 107 & 108 Princes Street

Edinburgh

EH2 3AA

Redevelopment including demolition for hotel use (Class 7) with ancillary bar /restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. (As amended).

23/01422/LBC

106 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations, including partial demolition and rear extension, to form new hotel. (As amended).

23/01425/CON

107 - 108 Princes Street

Edinburgh

EH2 3AA

Demolition of retail and office building. (As amended).

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeologist

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023

Site Notices Date(s): 25 April 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

- Having due regard to HES Policy and guidance, do the proposals:
 - a) harm a listed building or its setting? or
 - b) conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- Managing Change In the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change In the Historic Environment Guidance on Conservation Areas
- Managing Change In the Historic Environment: External Walls
- Managing Change In the Historic Environment: Gardens and Designed Landscapes
- Managing Change In the Historic Environment: Interiors
- Managing Change In the Historic Environment: Setting
- Managing Change In the Historic Environment: Shopfronts and Signs
- Managing Change In the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change In the Historic Environment: Windows

Setting of Listed Buildings

Though the proximity of several listed buildings to the site is noted, the proposal is not considered to have a negative impact on the setting of the listed building due to the site's location within a dense urban townscape.

104-105 Princes Street

104-105 Princes Street is a 4-bay former hotel with mansard roof, featuring a modern retail unit and shopfront at the ground floor and forming a significant part of Princes Street's streetscape. The building features a decorative front façade that utilises a polished cream ashlar sandstone finish. The upper floors of the building are disused and in an advanced state of disrepair. To the rear of the building is the former arcade and workshop area featuring a notable stone façade that faces onto Rose Street South Lane, which though altered, contributes to the significance and special architectural interest of the building. Internally the building has undergone significant and repeated modern alteration leaving few original features intact. The ground and first floors were most recently converted to open-plan retail space, whilst several windows have been covered and converted to host plant machinery, which Historic Environment Scotland notes as being of detriment to the character of the building.

In essence, the scheme seeks to retain and restore the facades of the listed building, whilst converting the internal site area into usable commercial space, including additions to the rear of the building. On balance the proposal should not be seen as of harm to the special architectural or historic interest of the Listed Building. Historic Environment Scotland has not objected to the proposal.

The additional height and massing proposed to the rear of the building will obscure much of the surviving rear elevation of the frontage blocks of 104 - 105 Princes Street and reduce the existing distinction between the frontage building and the arcade to its rear, leaving little articulation of the form of the former arcade buildings when viewed from Rose Street South Lane. However, in other aspects the proposal represents an opportunity for conservation gain, as the proposal will involve works to address structural issues and to rectify the harm done by various internal modern alterations. In particular the scheme will reintroduce courtyard areas to the rear of 104 - 105 Princes Street, revealing the rear wall of the listed building. A condition has been attached to the consent requiring the in-situ retention of the rear façade of 104 - 105 Princes Street, addressing concerns raised by Historic Environment Scotland regarding the impact on the stability of the stonework should it be taken down and rebuilt as proposed.

Conclusion in relation to the listed building

The proposal will preserve the special architectural or historic interest of the listed buildings. It is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

key characteristics of the New Town as:

- Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- terminated vistas within the grid layouts and the long-distance views across and out of the conservation area;
- a richly varied topography of ancient landform shaped by volcanism and later by glacial scouring;
- internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement; and
- gardens that create open and framed long distant picturesque views of exceptional quality.

104-105 Princes Street is considered to make a significant contribution to the New Town Conservation area. As the special architectural or historic interest of 104-105 Princes Street is to be preserved, the proposed alterations to the building is considered to preserve the character and appearance of the Conservation Area.

In broad terms, what is proposed preserves the spatial and structural patterns of the area and makes use of high quality materials appropriate to the location. In terms of the Princes Street elevation, the proposal reinforces the formal plan form of the first New Town. In terms of the Rose Street South Lane elevation, the proposals reinforce the character of the lane and it's primary historic function as an access route for the servicing of buildings that front onto Princes Street.

The predominant impact of the proposed development at 104-105 Princes Street will have is to the character and appearance of Rose Street South Lane, as the development represents a significant increase in the height of the built form of 104-108 facing onto the lane. On balance however this is considered acceptable, as views of the building are significantly restricted from within the lane, and other buildings of the similar height at 109 - 112 Princes Street and 144-150 Rose Street either exist or have an extant permission in place for their construction, reducing the impact of this to the character of the lane. That the servicing function of the lane is to be retained is also of importance, as the lane's subservience to Princes Street and Rose Street is retained.

Conclusion in relation to the conservation area

The works will preserve the special character and appearance of the conservation area. The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Conclusion in relation to the conservation area

c) Are there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

The majority of comments, including those from Legal and General and the Architectural Heritage Society of Scotland relate to the associated application for planning permission (reference 23/01417/FUL) or are non-material in planning terms.

material comments

- Impact to listed buildings. Addressed in Section A.
- Impact to the New Town Conservation Area. Addressed in Section B.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve the character and appearance of the conservation area. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 April 2023

Drawing Numbers/Scheme

01, 02, 03A, 04-33, 34A-39A, 40-42, 43A, 44-49, 50A-70A,71-73

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeologist

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 27 April 2023

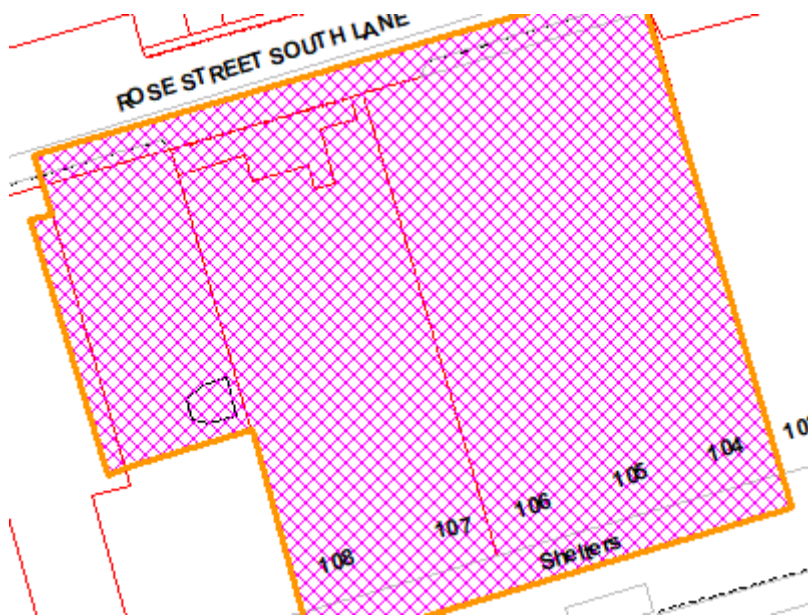
NAME: Historic Environment Scotland

COMMENT: We are now content that the listed building's roof structure is too damaged to meaningfully retain, but would still urge an authentic restoration of its Victorian form. With the new-build, we would again suggest that more of the rear façade of the listed building could be revealed by set-back extensions, and that the hierarchy of the site section would be improved by the reduction of development by a storey level behind the frontage. As before, we welcome the difference in design treatments to the rear lane, but would urge a more sensitive treatment of the retained stone façade, with opportunities to set back the façade here, and a strong priority towards its in-situ retention.

DATE: 13 September 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 4 October 2023

**Application for Listed Building Consent
106 Princes Street, Edinburgh, EH2 3AA**

Proposal: Internal and external alterations, including partial demolition and rear extension, to form new hotel. (As amended).

**Item – Committee Decision
Application Number – 23/01422/LBC
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the listed building or its setting and it will preserve the character and appearance of the conservation area. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

SECTION A – Application Background

Site Description

The application site totals 0.22 hectares of land, and is comprised of three buildings located on the northern side of Princes Street operated as a mix of retail units and offices. The site is bounded to the rear by Rose Street South Lane and to the east and west by other buildings.

Two of the three buildings on the site are category B listed. 104-105 Princes Street is the former Clarendon Hotel and arcade (ref: LB29511; date: 20/02/1985) and 106 Princes Street is a late 18th century townhouse (ref: LB43324; date: 28/03/1996). To the immediate west of the site are the category B listed buildings 109, 110 and 111 Princes Street (ref: LB30147; date: 12/12/1974). To the north of the site across Rose Street South Lane are the category B listed buildings 116 Rose Street (ref: LB29648; date 28/03/1996) and 138-142 (even nos) Rose Street (ref: LB29649; date 28/03/1996). There is an extant permission in place at 109 - 112 Princes Street and 144-150 Rose Street for the site's redevelopment and change of use to form a hotel with retail on the lower floors and associated ancillary uses (application ref: 20/05444/FUL).

The site is located within the New Town Conservation Area, the Old and New Towns World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape, the City Centre, the City Centre Retail Core, and the designated Urban Area.

Public transport links are highly accessible from the site.

Description Of The Proposal

Internal and external alterations to 104-105 Princes Street, including partial demolition and rear extension to form a new hotel. An associated application for planning permission (reference: 23/01417/FUL) has been submitted for the development of the site for hotel use (Class 7) with ancillary bar and restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. The demolition refers to 107-108 Princes Street, a non-listed early 1970's panel building, and to a later rear extension to the rear of 106 Princes Street, and to buildings to the rear of 104 -105 Princes Street, including the arcades. The facades and significant proportions of 106 and 104-105 are to be retained, though works to enable the conversion of the remaining historic fabric are proposed. The associated planning application includes the proposed work to 106 Princes Street.

A seven storey building at 107-108 Princes Street is proposed, stepping down to six storeys at the rear of 106 and 104-105 Princes Street. A new shop frontage is proposed at 106 Princes Street as well as a combined hotel entrance lobby with 104-105 Princes Street. The upper floors of 106 Princes Street are to be amalgamated with 104-105 and 107-108 Princes Street into areas for hotel bedrooms and servicing, arranged around three external courtyards.

Structural works and major internal refurbishment to ensure the stability of the existing listed buildings and enable the new use are proposed, including the removal and replacement of modern alterations and the replacement of the existing shop front with a new shop front of a more traditional design. The existing historic fabric of the building is to be retained or reused where possible throughout.

Supporting Information

- Planning Statement
- Design and Access Statement (Revised)
- Heritage and Townscape Statement (Revised)

Schedule Two

Application amended to accord with amendments made to associated planning application (reference: 23/01417/FUL) regarding downtakings the narrow the link between the newbuild and historic frontage buildings, to introduce a setback to the upper most storey at the rear of 104-105 Princes Street, and to alter the Princes Street elevation roofscape of 107-108 Princes Street.

Relevant Site History

23/01417/FUL

104 - 106, 107 & 108 Princes Street

Edinburgh

EH2 3AA

Redevelopment including demolition for hotel use (Class 7) with ancillary bar /restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. (As amended).

23/01420/LBC

104-105 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations including partial demolition and rear extension to form new hotel. (As amended).

23/01425/CON

107 - 108 Princes Street

Edinburgh

EH2 3AA

Demolition of retail and office building. (As amended).

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 April 2023

Site Notices Date(s): 18 April 2023

Number of Contributors: 6

Section B - Assessment

Determining Issues

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

- Having due regard to HES Policy and guidance, do the proposals:
 - a) harm a listed building or its setting? or
 - b) conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- Managing Change In the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change In the Historic Environment Guidance on Conservation Areas
- Managing Change In the Historic Environment: External Walls
- Managing Change In the Historic Environment: Gardens and Designed Landscapes
- Managing Change In the Historic Environment: Interiors
- Managing Change In the Historic Environment: Setting
- Managing Change In the Historic Environment: Shopfronts and Signs
- Managing Change In the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change In the Historic Environment: Windows

Setting of Listed Buildings

Though the proximity of several listed buildings to the site is noted, the proposal is not considered to have a negative impact on the setting of any nearby listed buildings due to the site's location within a dense urban townscape.

106 Princes Street

106 Princes Street is a late 18th Century 3-storey 3-bay former townhouse with a 19th century timber build out at 1st floor and modern shop build out at ground level. The building is a significant surviving part of the original fabric of Edinburgh's New Town. Few internal historic features remain following significant and repeated modern alterations.

Following amendments to the originally proposed scheme the existing timber work and bay window arrangement at first floor level and the roof (excluding the dormer windows) is to be retained. Whilst the rear building that is to be removed is part of the listing it does not contribute to the character or significance of the former townhouse. On balance, the proposal is not considered to be of harm to the special architectural or historic interest of the listed building. Historic Environment Scotland has not objected to the proposal.

Conclusion in relation to the listed building

The proposal will preserve the special architectural and historic interest of the listed buildings. It is acceptable with regard to Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

- Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces;
- terminated vistas within the grid layouts and the long-distance views across and out of the conservation area;
- a richly varied topography of ancient landform shaped by volcanism and later by glacial scouring;
- internationally important private and public open spaces lying within, and on the edge of a neoclassical grid pattern and reflecting the picturesque tradition of landscape improvement; and
- gardens that create open and framed long distant picturesque views of exceptional quality.

106 Princes Street is considered to make a significant contribution to the New Town Conservation Area. As the special architectural and historic interest of 106 Princes Street is to be preserved, the proposed alterations are considered to preserve the character and appearance of the Conservation Area.

In broad terms, what is proposed preserves the spatial and structural patterns of the area and makes use of high quality materials appropriate to the location. The predominant impact the proposed development will have is to the roofscape of the New Town, altering the roofline of a section of Princes Street. When considering views from the Old Town towards the New Town, the additional building mass to the rear of 106 Princess Street impacts on the varied roofscape of the New Town, and in particular partially obscures views to buildings located between Rose Street South Lane and Rose Street. However, these views are not protected or otherwise identified in the Edinburgh Design Guidance, Skyline Study or the New Town Conservation Area Character Appraisal and consequently the impact is considered acceptable in the context of the wider townscape.

Conclusion in relation to the conservation area

The works will preserve the special character and appearance of the conservation area. The proposals are acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

The majority of comments, including those from Legal and General and the Architectural Heritage Society of Scotland relate to the associated application for planning permission (reference 23/01417/FUL) or are non-material in planning terms.

A summary of the representations is provided below:

material considerations

- The design of the proposals is of a poor quality and out of keeping with other buildings in Edinburgh. Addressed in section A.
- Impact to listed buildings. Addressed in Section A.
- Impact to the New Town Conservation Area. Addressed in Section B.

Conclusion in relation to other matters considered

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

Overall conclusion

The proposal is acceptable with regard to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will not harm the Listed Building or its setting and it will preserve the character and appearance of the Conservation Area. No other material considerations identified outweigh this conclusion. It is therefore recommended that the application is granted.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 30 March 2023

Drawing Numbers/Scheme

01, 02, 03A, 04-34, 35A-40A, 41-43, 44A, 45-49, 50A-54A, 55,56, 57A-70A, 71, 72A, 73

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: We welcome the retention of the existing timber work and bay window arrangement at first floor level and the retention of the roof (excluding the dormer windows). These revisions largely address our previous concerns.

DATE: 13 September 2023

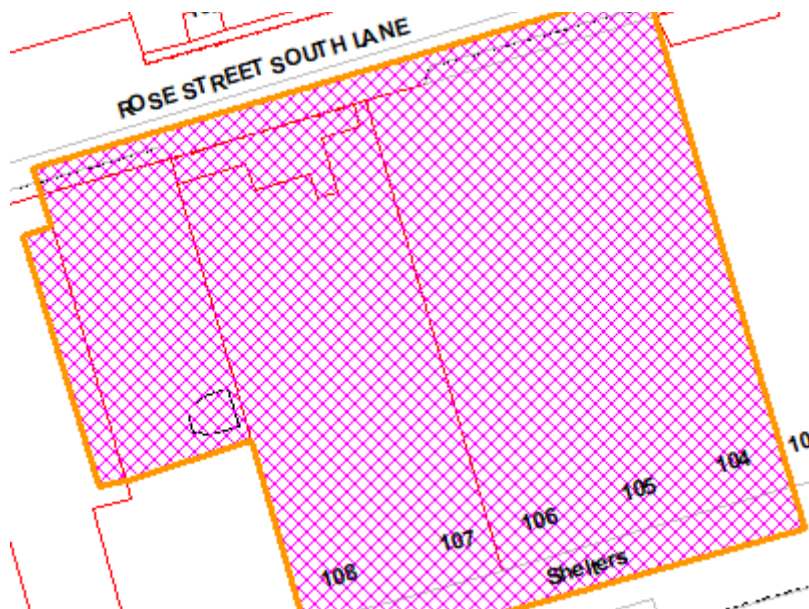
NAME: Archaeology

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 27 April 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 4 October 2023

**Application for Conservation Area Consent
107 - 108 Princes Street, Edinburgh, EH2 3AA**

Proposal: Demolition of retail and office building. (As amended).

**Item – Committee Decision
Application Number – 23/01425/CON
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

SECTION A – Application Background

Site Description

The application site totals 0.22 hectares of land, and is comprised of three buildings located on the northern side of Princes Street operated as a mix of retail units and offices. The site is bounded to the rear by Rose Street South Lane and to the east and west by other buildings.

Two of the three buildings on the site are category B listed. 104-105 Princes Street is the former Clarendon Hotel and Arcade (ref: LB29511; date: 20/02/1985) and 106 Princes Street is a late 18th century townhouse (ref: LB43324; date: 28/03/1996). To the immediate west of the site are the category B listed buildings 109, 110 and 111 Princes Street (ref: LB30147; date: 12/12/1974). To the north of the site across Rose Street South Lane are the category B listed buildings 116 Rose Street (ref: LB29648; date 28/03/1996) and 138-142 (even nos) Rose Street (ref: LB29649; date 28/03/1996). There is an extant permission in place at 109 - 112 Princes Street and 144-150 Rose Street for the site's redevelopment and change of use to form a hotel with retail on the lower floors and associated ancillary uses (application ref: 20/05444/FUL).

The site is located within the New Town Conservation Area, the Old and New Towns World Heritage Site, the New Town Gardens and Dean Historic Garden Designed Landscape, the City Centre, the City Centre Retail Core, and the designated Urban Area.

Public transport links are highly accessible from the site.

Description Of The Proposal

The proposal is for the demolition of 107-108 Princes Street, a six storey with basement unlisted building dating from the 1970s. An associated application for planning permission (reference: 23/01417/FUL) has been submitted for the development of the site for hotel use (Class 7) with ancillary bar and restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. The associated application includes the including demolition of 107-108 Princes Street.

Supporting Information

- Planning Statement
- Design and Access Statement (Revised)
- Heritage and Townscape Statement (Revised)
- AVR Visualisations

Schedule Two

Application amended to accord with amendments made to associated planning application (reference: 23/01417/FUL) regarding downtakings the narrow the link between the newbuild and historic frontage buildings, to introduce a setback to the upper most storey at the rear of 104-105 Princes Street, and to alter the Princes Street elevation roofscape of 107-108 Princes Street.

Relevant Site History

23/01417/FUL

104 - 106, 107 & 108 Princes Street

Edinburgh

EH2 3AA

Redevelopment including demolition for hotel use (Class 7) with ancillary bar /restaurant facilities and retail use at basement and ground levels including associated alterations and extensions. (As amended).

23/01420/LBC

104-105 Princes Street

Edinburgh

EH2 3AA

Internal and external alterations including partial demolition and rear extension to form new hotel. (As amended).

23/01422/LBC
106 Princes Street
Edinburgh
EH2 3AA

Internal and external alterations, including partial demolition and rear extension, to form new hotel. (As amended).

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeologist

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023

Site Notices Date(s): 25 April 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

Consent is required because section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act") states that in making a decision on the demolition of a building in a conservation area section 6 to 25 of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings. The proposals therefore require to be assessed in terms of Section 64 of the 1997 Heritage Act:

- Having due regard to HES Policy and guidance, does the proposed demolition conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance on demolition in a conservation area, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?

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

Assessment

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

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

- Managing Change - Interim guidance on the Designation of Conservation Areas and Conservation Area Consent (2019).

The Princes Street (Blocks 1-7a) Development Brief is material consideration to the acceptability of the application.

a) Demolition of building(s) is acceptable?

Section 66 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in making a decision on the demolition of a building in a conservation area, certain provisions of the same Act shall have effect in relation to buildings in conservation areas as they have effect in relation to listed buildings.

Historic Environment Scotland's Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- *the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site;*
- *if the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;*
- *where demolition may be thought appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult, consent to demolish should be given only where there are acceptable proposals for the new building.*

107-108 Princes Street was constructed in 1971 as part of a wider plan devised by the Princes Street Panel to comprehensively redevelop Princes Street by controlling the height, materials and floor levels, frontage widths of buildings along it, whilst introducing a continuous elevated walkway with shop fronts at first floor level. It is one of seven panel style buildings constructed during this period. Constructed around a single bay with a cantilevered upper roof form, the building is of a quite different architectural form to the 19th Century buildings which it replaced. The building is somewhat unsympathetic to its surroundings, and though representative of a period in Princes Street's development, it does not relate well to the nearby listed buildings, disrupting the established building line of the street at higher levels and emphasising an atypical horizontality in its built form that does not tie in well with neighbouring architecture.

107-108 Princes Street is not considered of value to the character or appearance of the New Town Conservation Area. A condition has been attached to ensure that the buildings are not demolished before a detailed scheme has been granted and the Notification of Initiation of Development has been received with a start date for the detailed development.

Conclusion in relation to the demolition and replacement

The demolition of the existing building is therefore acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

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

As detailed in the assessment for the parallel planning application (reference 22/05886/FUL), the demolition of these buildings would enable the development of the site in a coherent and positive way.

Conclusion in relation to the conservation area

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

c) there are any other matters to consider?

Equalities and human rights

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

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

Public representations

The majority of comments, including those from Legal and General and the Architectural Heritage Society of Scotland relate to the associated application for planning permission (reference 23/01417/FUL) or are non-material in planning terms.

material comments

- Impact to Listed Buildings. No impact to Listed Buildings is identified.
- Impact to the New Town Conservation Area . Addressed in Section B.
- Impact on buildings of heritage value. Addressed in Section A.

Conclusion in relation to other matters considered

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

Overall conclusion

The demolition of the existing building is acceptable in terms of Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 23/01417/FUL.

Reasons

1. In order to safeguard the character of the conservation area.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 6 April 2023

Drawing Numbers/Scheme

01-03, 04A, 05-33, 34A, 35, 36A-39A, 40-42, 43A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: We have been re-consulted following the submission of further information, and a revised design, which we have now assessed. We have no further advice to give regarding the demolition of the unlisted Nos.107-108 Princes Street and our previous consultation response remains. The revised proposals for the new building are discussed in the other consultation responses regarding the rest of the site.

DATE: 13 September 2023

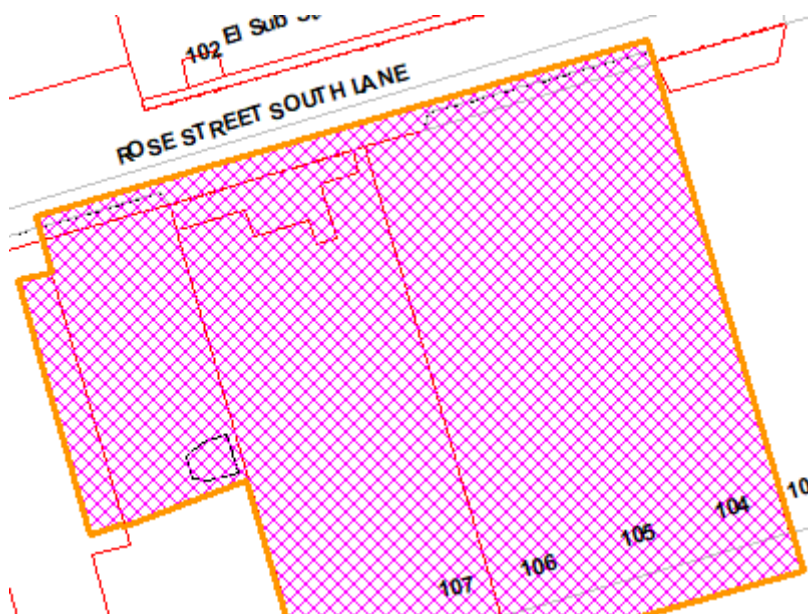
NAME: Archaeologist

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 27 April 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 4 October 2023

**Application for Planning Obligation
181 St John's Road, Edinburgh, EH12 7SL**

Proposal: Application for the Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL. Remove clauses to provide on site affordable housing and replace these with clauses seeking to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers.

**Item – Committee Decision
Application Number – 22/04607/OBL
Ward – 00 - No Ward Number**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the proposal seeks to significantly modify the terms of that obligation and must be determined by the Development Management Sub-Committee.

Recommendation

It is recommended that this application be **accepted and the agreement be discharged** subject to the details below.

Summary

That affordable housing is no longer proposed to be provided on site because it is not financially viable and that a commuted sum is considered acceptable, as independent financial advice has been obtained, and a sum of £10,000 per unit (£87,500 in total) complies with LDP Policy Hou 6, NPF 4 Policy 16 and Non-Statutory Guidance on Affordable Housing where the commuted sum can be used within the ward or an adjacent ward.

The modification to the planning obligation, to provide a commuted sum, is acceptable and the legal agreement can be modified.

SECTION A – Application Background

Site Description

The site extends to an area of 0.56 hectares. It is located on the southeast side of junction between St John's Road and Manse Road.

The previous buildings, contained on the site, have now been demolished.

The site is located in the Corstorphine Town Centre, as defined in the Edinburgh Local Development Plan. The surrounding area is comprised of mixed use with a strong commercial presence on St John's Road and a residential character on Manse Road.

The south side of St John's Road is characterised by three-storey tenement blocks with ground floor shops. Manse Road is characterised by stone-built terraced houses and semi-detached cottages ranging from one-and-a-half storeys to two storeys in height.

The site is bound by the Manse and its curtilage to the south. The Manse is a large, detached dwelling set in a generous garden with mature trees. Manse Road is a one-way street where vehicles travel north onto St John's Road.

The site is located in the Corstorphine Conservation Area.

Description of the Proposal

This application seeks to modify the planning obligation (dated 11 February 2020) regarding on-site affordable housing forming a part of that development, (reference 18/02831/FUL).

That permission was granted for the demolition of the existing buildings on the site and the construction of a mixed-use development, incorporating residential development, together with commercial (shops) floorspace (including a hot food takeaway use), car parking and associated works.

This application seeks to remove the existing clauses requiring the provision of on-site affordable housing units and to replace them with clauses providing the payment of a commuted sum to provide for off-site affordable housing provision.

The proposed form of replacement clauses, as proposed at this stage of the process, make no provision for when the monies would be paid in relation to the construction of the development, but does seek to limit its use to a period of 5 years for the date of payment.

The clauses contained in the original obligation that provide for financial contributions towards both land and infrastructure education costs are to remain unaltered.

Supporting Information

- Supporting Statement; and
- Financial Appraisal.

Relevant Site History

18/02831/FUL
181 St John's Road
Edinburgh
EH12 7SL

Mixed use development incorporating residential development (Class 9 and sui generis flats) together with commercial floorspace (including Class 1, 2 and 3) and hot food takeaway (sui generis), car parking and associated works. (Amended).

Granted
11 March 2020

18/02831/VARY
181 St John's Road
Edinburgh
EH12 7SL

Non-Material Variation application for 18/02831/FUL.

VARIED
8 June 2022

Other Relevant Site History

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Housing Management and Development (Affordable Housing)

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions, including the modification or discharge of a section 75 agreement, be made in accordance with the development plan, unless material considerations indicate otherwise.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness.

Assessment

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

a) the modification of the obligation is considered to be acceptable?

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

- NPF 4 Liveable Places Infrastructure first Policy 16.
- LDP Strategy policy Del 1
- LDP Housing policy Hou 6

The non-statutory 'Affordable Housing Guidance (updated May 2021)' and is a material consideration that is relevant when considering the proposal.

NPF 4 Policy 16 (Quality Homes) encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

NPF 4 Policy 18 (Infrastructure first) encourages, promotes, and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Those provisions are to be in full compliance with the relevant Circular tests with regards to each development and determination made by the planning authority.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- I. a higher contribution is justified by evidence of need, or*
- II. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.*

The contribution is to be provided in accordance with local policy or guidance."

LDP Policy Del 1 (Developer contributions and infrastructure delivery) requires development to contribute to the specified infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development. In order to provide further detail on the approach to implementation of this policy and to provide the basis for future action programmes the policy states that Supplementary Guidance will be prepared to provide guidance on a number of matters including the required infrastructure in relation to specific sites and/or areas.

LDP Policy Hou 6 (Affordable Housing) states planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site. Whenever practical, the affordable housing should be integrated with the market housing.

The supporting text to the policy states that the provision on an alternative site may be acceptable where the housing proposal is for less than 20 units or if there are exceptional circumstances.

The Affordable Housing Guidance sets out the criteria for when the payment of commuted sums in lieu of on-site provision will be acceptable. All the below criteria should be met:

- There are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, where it is evidenced to be unviable or unfeasible or where there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere; and
- The Council is confident that that the commuted payments can be spent on providing affordable units within the same area of the city within ten years of the payment being made; and
- The proposal is for less than 50 dwellings or is for a conversion.

The current section 75 agreement sets out in the Affordable Housing clauses the requirement for 25% of the total unit numbers to be affordable housing units. With various clauses in relation to the tenure, location, design standards and milestones. In the details of the original application the total number of residential units was to be 35 dwellings, with the number of affordable housing units to comprise 9 units of both one and two bed flats. That would equate to 25.71% provision, 25% equating to 8.75 units.

The supporting financial details of the development and the affordable housing paper have been reviewed. The applicant has provided details that with the present construction cost inflation the average cost of each unit on site would be £336,936 a figure significantly beyond the threshold for viability for a Registered Social Landlord (or RSL). That figure excludes any land value or profit.

The supporting documentation has been independently checked. On the basis of land value and construction costs this value equates to £10,000 per unit, therefore a total off-site affordable housing contribution of £87,500 for the 8.75 units (25% of the overall development).

The District Valuer recommends a commuted sum totalling £87,500. In this instance, and in the absence of any proposed trigger point for the payment of this contribution by the applicant, it is deemed that this would be full contribution payment (index linked from the date of the District Valuers determination (i.e. Quarter 2 of 2023)) made prior to the first commencement of construction of any part of the development on the site.

It is concluded that the proposed commuted sum meets the requirements of LDP Policy Hou 6, the criteria set out in the Affordable Housing Guidance, and NPF 4. Having considered the proposals we are satisfied with the information submitted and are confident that the commuted sum can be used within an agreed timeframe within the ward or an adjacent ward.

b) the proposal meets the tests of Circular 3/2012

Scottish Government Circular 3/2012 (updated 18 November 2020) - Planning Obligations and Good Neighbour Agreements

The circular explains that obligations are to be promoted in strict compliance with the five policy tests. These tests relate to necessity; planning purpose; relationship to the development; scale and kind; and reasonableness.

Necessity:

In terms of the 'necessity' test, the planning obligation should be necessary to permit the proposed development. With a financial contribution a planning condition cannot be used.

The proposal seeks to modify an existing legal agreement to change the requirements for affordable housing to use a commuted sum. The use of a planning obligation for this matter continues to be required. The use of an obligation is appropriate, thereby satisfying the 'necessity' test.

Planning purpose:

The Circular states that planning authorities should satisfy themselves that an obligation is related to the use and development of land. This judgement should be rooted primarily in the development plan.

LDP Policy Hou 6 (Affordable Housing) sets out the parameters for assessing and requiring affordable housing whilst noting that provision should normally be on-site. The Affordable Housing Guidance provides further information on using the policy, including the circumstances for when a commuted sum will be acceptable.

NPF 4 Policy 16 (Quality Homes) encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

NPF 4 Policy 18 (Infrastructure first) encourages, promotes, and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

This test is met.

Relationship to the proposed development:

Planning obligations must relate to the development being proposed. There should be a clear link between the development and any mitigation offered as part of the developer's contribution.

The information provided justifies a commuted sum in this instance and relates to the specific details of the development.

Scale and kind:

In terms of the 'scale and kind' test, the Circular states that the planning obligation must be related in scale and kind to the proposed development.

The requirement for 25% affordable houses as part of the original application was acceptable in scale and kind and met the requirements of LDP Policy Hou 6 and NPF 4 policy 16.

The Circular does state that entering into an obligation can have financial consequences for developers and may make proposals uneconomic.

In this circumstance, the modification to provide a commuted sum in lieu of onsite affordable housing provision meets the scale and kind test as it is tailored to this specific development.

Reasonableness:

In terms of the 'reasonableness' test, the Circular provides a number of questions of which a negative answer to anyone would generally render a planning obligation inappropriate.

- (i) is an obligation, as opposed to conditions, necessary to enable a development to go ahead?
- (ii) in the case of financial payments, will these contribute to the cost of providing necessary facilities required as a consequence of or in connection with the development in the near future?
- (iii) is the requirement in the obligation so directly related to the regulation of the proposed development that it should not be permitted without it?
- (iv) will the obligation mitigate the loss of, or the impact upon, any amenity or resource present on the site prior to the development?

Taking these questions in turn:

- (i) Yes, the obligation cannot be secure through a condition.
- (ii) Yes, the commuted sum would be utilised elsewhere in the area.
- (iii) Yes, an obligation is required or it fails the policy requirement for affordable housing.
- (iv) Residential led mixed use development that converts a number of former industrial buildings. Affordable housing is required by the LDP and NPF 4.

The affordable housing policy is well established and in assessing the supporting information for the proposed commuted sum it is reasonable to take this approach.

The tests of the circular are met.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

None received.

Conclusion in relation to identified material considerations

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

Overall conclusion

That affordable housing is no longer proposed to be provided on site because it is not financially viable and that a commuted sum is considered acceptable, as independent financial advice has been obtained, and sum of £10,000 per unit (£87,500 in total) complies with LDP Policy Hou 6, NPF 4 Policy 16 and Non-Statutory Guidance on Affordable Housing where the commuted sum can be used within the ward or an adjacent ward.

The modification to the planning obligation, to provide a commuted sum, is acceptable and the legal agreement can be modified.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

Reasons

Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 13 September 2022

Drawing Numbers/Scheme

01

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: John Maciver, Senior planning officer
E-mail:john.maciver@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Housing Management and Development (Affordable Housing)

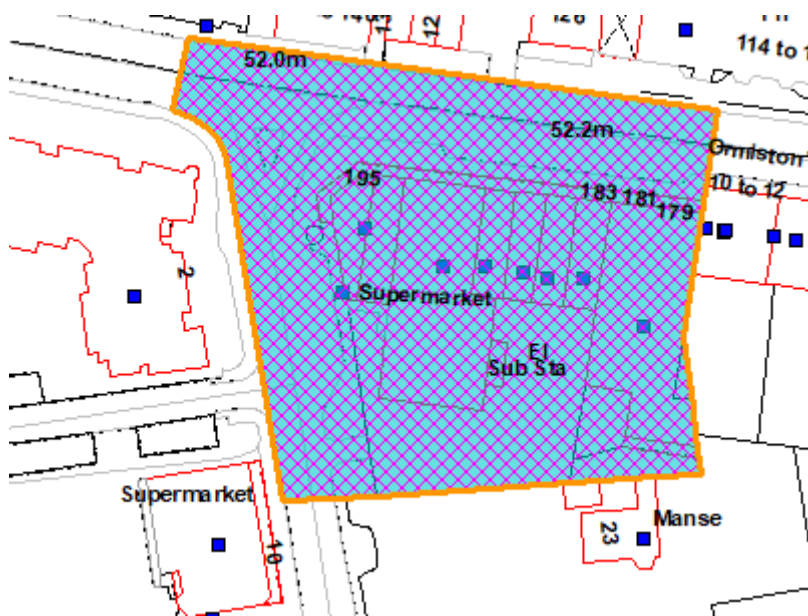
COMMENT: The applicant seeks amendments to the existing Section 75 agreement to reflect that the affordable housing will not be able to be delivered onsite.

- The costs of the development have been independently checked and verified.
- The average construction cost exceeds £335,000 per home, and it is not viable for a RSL to deliver onsite affordable housing at that cost. The funding shortfall is at least £1 million for the 8.75 affordable homes required.
- The high construction costs rule out other methods on onsite delivery, such as low-cost home ownership.
- The District Valuer has calculated a commuted sum based on land value.
- Their recommendation is a commuted sum of £87,500 in total or £10,000 per affordable housing unit required.
- The sum would be secured through a Section 75 legal agreement.

DATE: 14 June 2023

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

Location Plan



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