

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 25th 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 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 23 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 20 September 2023 – submitted for approval as a correct record | 11 - 18 |
| 3.2 | Minutes of Previous Meeting of Development Management Sub- | 19 - 26 |

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

27 - 34

- 4.1** Former RAF Turnhouse, Turnhouse Road, Edinburgh - Report for forthcoming application by M2 West Edinburgh, c/o Miller Developments at site at former RAF Turnhouse at Turnhouse Road, Edinburgh for proposed alterations to industrial storage park as previously consented to provide for improved access, layout, and reduced units numbers, with associated landscaping works - application no. 23/04182/PAN - Report by the Chief Planning Officer.

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

- 4.2** Meadowfield Farm, Turnhouse Road, Edinburgh - Report for forthcoming application by Crosswind Developments Ltd. at land to south west of Meadowfield Farm, Turnhouse Road, Edinburgh for mixed use development, including commercial floorspace (class 1a Shops, financial, professional and other services; class 3 restaurants and cafes; sui generis including public houses; class 4 business; class 6 storage and class 7 hotels; class 10 non-residential institutions; and class 11 assembly and leisure); residential floorspace (including class 9 houses and sui generis flats); associated infrastructure; car parking; and landscaping - application no. 23/04202/PAN - Report by the Chief Planning Officer

35 - 44

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

Applications

- 4.3** Strathmore House, 4 Church Hill, Edinburgh - Change of use from former nursing home to 6 No. private apartments. Proposals include car parking provision, private and common garden amenity space, refuse and recycling facilities plus bicycle storage provision. Proposal includes a new build 3 storey element located to the rear of the building with no impact upon the existing listed symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place - application no. 23/02038/FUL - Report by the Chief Planning Officer 45 - 60
- It is recommended that this application be **GRANTED**.
- 4.4** Strathmore House, 4 Church Hill, Edinburgh - Change of use from former nursing home to 6 private apartments. Proposals include car parking provision, private and communal amenity garden space, plus refuse, recycling, and bicycle storage facilities. Proposals include anew three storey new build extension located subserviently to the rear of the building with no impact upon the existing symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place - application no. 23/02101/LBC - Report by the Chief Planning Officer 61 - 70
- It is recommended that this application be **GRANTED**.
- 4.5** Dreghorn Loan, Edinburgh (Land 35 Metres Northwest of) - Erection of dwelling house - application no. 22/00235/FUL - Report by the Chief Planning Officer 71 - 92
- It is recommended that this application be **GRANTED**.
- 4.6** Christmas Market, George Street, Edinburgh - Erection of ice rink including viewing /seating areas, market traders and Christmas stalls, vintage family attractions, offices, toilets, ancillary storage, and generators - application no. 23/04144/FUL - Report by the Chief Planning Officer 93 - 106
- It is recommended that this application be **GRANTED**.
- 4.7** 14 Glennie Road, Newcraighall, Musselburgh (Land 70 Metres East of) - Residential development comprising a mix of private and affordable homes numbering 220 units and associated 107 - 138

infrastructure including landscaping, amenity, green space, parking, and drainage - application no. 23/01743/FUL - Report by the Chief Planning Officer

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

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| 4.8 | Craigentinny Primary School, 4 Loganlea Drive, Edinburgh - Modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area - application no. 23/02735/FUL - Report by the Chief Planning Officer | 139 - 146 |
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It is recommended that this application be **GRANTED**.

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| 4.9 | 4 Oversman Road (Land 160 Metres Northeast of) - Proposed development of three detached business and industrial units, (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders' merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair with associated external storage, erection of 2.4m high fence, access, car parking and landscaping - application no. 23/02090/FUL - Report by the Chief Planning Officer | 147 - 162 |
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It is recommended that this application be **GRANTED**.

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| 4.10 | East Princes Street Gardens, Princes Street, Edinburgh - Proposal for installation of Edinburgh's Christmas 2023 at East Princes Street Gardens and The Mound precinct including Christmas market stalls, fairground rides, associated site infrastructure, stores, and ancillary facilities - application no. 23/04142/FUL - Report by the Chief Planning Officer | 163 - 178 |
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It is recommended that this application be **GRANTED**.

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| 4.11 | West Princes Street Gardens, Princes Street, Edinburgh - Temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival - application no. 23/04143/FUL - Report by the Chief Planning Officer | 179 - 192 |
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It is recommended that this application be **GRANTED**.

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| 4.12 | 101 Rose Street South Lane, Edinburgh, EH2 3JG - Internal alterations and proposed change of use from Class 4 offices to | 193 - 202 |
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three one-bed short term let units - application no.
23/03613/FULSTL - Report by the Chief Planning Officer

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

- 4.13** St Andrew Square Gardens, St Andrew Square, Edinburgh - 203 - 216
Proposed installation of a Spiegeltent for use as a performance space for Santa's Stories. A storytelling experience with Santa for children as part of Edinburgh's Christmas 2023 - application no. 23/04199/FUL - Report by the Chief Planning Officer.

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

- 4.14** 4 Sunbury Street, Edinburgh, EH4 3BU - Change of use of an existing residential property which has been used as a short term let since 2016 to a permanent short term let - application no. 23/03911/FULSTL - Report by the Chief Planning Officer 217 - 226

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** None.

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** Madelvic House, Granton Park Avenue, Edinburgh (Land 93 Metres West of) and Granton Art Centre, 242 West Granton Road, Edinburgh (Land East of) - application no's 23/01068/FUL & 23/01359/FUL - Protocol Note by the Service Director - Legal and Assurance 227 - 230

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| 6.2 | Madelvic House, Granton Park Avenue, Edinburgh (Land 93 Metres West of) - The development of a sector-leading national centre for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. Proposed visitor and community-led spaces will maximise public access and facilitate a programme of education and outreach programmes which make full use of benefits including active public realm spaces (incl. pop-up cafe use) and bio-diverse landscaping, new /improved access, parking, and all other associated works. - application no. 23/01068/FUL - Report by the Chief Planning Officer | 231 - 262 |
| <p>It is recommended that this application be GRANTED.</p> | | |
| 6.3 | Granton Art Centre, 242 West Granton Road, Edinburgh (Land East of) - Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works - application no. 23/01359/FUL - Report by the Chief Planning Officer | 263 - 280 |
| <p>It is recommended that this application be GRANTED.</p> | | |

7. Applications for Detailed Presentation

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

- 7.1** None.

8. Returning Applications Following Site Visit

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

Nick Smith

Service Director – Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Teams and will be webcast live for viewing by members of the public.

Further information

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

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

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 20 September 2023

Present:

Councillors Osler (Convener), Bennett (substituting for Councillor Beal), Booth, Burgess (substituting for Councillor Staniforth) (items 1.1-4.6 and 4.8-7.1), Cameron, Dalgleish, Gardiner, Jones, Mattos-Coelho, McNeese-Mechan and Mowat.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of the 6 September 2023 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a Presentation

Councillor Booth requested a presentation in respect of Item 4.4 – 14 Ashley Place, Edinburgh – application no. 22/06251.

Councillor Mowat requested a presentation in respect of Item 4.7 – 113A Grove Street, Edinburgh – application no. – 23/03307/FULSTL.

Requests for a Hearing

Ward Councillor Caldwell requested a hearing in respect of Item 4.4 – 14 Ashley Place, Edinburgh – application no. 22/06251.

Decision

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

Dissent

Councillor Cameron requested that her dissent be recorded in respect of the decision on Item 7.1 – 11A James' Court, 493 Lawnmarket, Edinburgh.

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

3. 11A James' Court, 493 Lawnmarket, Edinburgh

Details were provided of an application for the proposed refurbishment of and extension to the existing retail /store unit at 11A James' Court, 493 Lawnmarket, Edinburgh – application no. 23/00491/FUL.

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

Decision 1

Motion

To agree to continue the application to a future meeting of the Sub-Committee to allow for a committee site visit to take place.

- moved by Councillor Cameron, seconded by Councillor Jones

Amendment

To agree to determine the application at this meeting of the Sub-Committee without the requirement for a committee site visit.

- moved by Councillor Booth, seconded by Councillor Osler

Voting

For the motion: - 2 votes

For the amendment: - 9 votes

(For the motion: Councilors Cameron and Jones.

For the amendment: Councilors Bennett, Burgess, Booth, Dalgleish, Gardiner, Mattos-Coelho, McNeese-Mechan, Mowat and Osler.)

Decision

To agree to determine the application at this meeting of the Sub-Committee without the requirement for a committee site visit.

Decision 2

To **REFUSE** planning permission for the reasons set out below:

- a) Adverse impact on amenity contrary to Policy Des5
- b) Adverse impact on the setting of the adjacent listed building contrary to NPF 4 Policy 7c.
- c) Adverse impact on the character and appearance of the conservation area contrary to NPF 4 Policy 7d.

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

4. 14 Ashley Place, Edinburgh, EH6 5PX

Details were provided of an application for a proposed purpose-built student accommodation with associated infrastructure and landscaping at 14 Ashley Place, Edinburgh, EH6 5PX – application no. 22/06251/FUL.

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

Voting

For continuation - 8 votes
Against continuation - 3 votes

(For continuation: Councillors Booth, Bennett, Dalgleish, Jones, Mattos-Coelho, McNeese-Mechan, Mowat and Osler.

Against continuation: Councillors Burgess, Cameron and Gardiner.)

Decision

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

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

5. 113A Grove Street, Edinburgh, EH3 8AB

Details were provided of an application for the change of use to short-term holiday let accommodation (in retrospect) for 3 months (June-August) of every calendar year at 113A Grove Street, Edinburgh, EH3 8AB, Edinburgh – application no. 23/03307/FULSTL.

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

Motion

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

- moved by Councillor Osler, seconded by Councillor Booth

Amendment

To **GRANT** planning permission subject to an additional condition to emphasise the 3-month use of the short-term let.

- moved by Councillor Mowat, seconded by Councillor Jones

Voting

The voting was as follows:

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

(For the motion: Councillors Booth, Dalgleish, Gardiner, Mattos-Coelho and Osler.

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

Casting Vote

In the division, 5 members having voted for the motion and 5 members for the amendment, the Convener gave her casting vote in support of the motion.

Decision

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

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – Report for forthcoming application by Breedon Trading Ltd & Brewster Brothers Ltd. for Proposal of Application Notice at Bonnington Mains Quarry, Cliftonhall Road, Newbridge.	Report for forthcoming application by Breedon Trading Ltd & Brewster Brothers Ltd. For Proposal of Application Notice at Bonnington Mains Quarry, Cliftonhall Road, Newbridge Development of Bonnington Mains Quarry, including south-westerly extension of quarry, erection of materials recycling plant, phased infill of the quarry void and restoration of the site – application no. - 23/03429/PAN.	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To request that the applicant consider measures to monitor and mitigate noise from blasts, as the application would move the quarry closer to Bonnington village.
4.2 – Report for forthcoming application by Dalton Metal Recycling. for Proposal of Application Notice at 52 - 66 Salamander Street, South Leith, Edinburgh.	<p>Report for forthcoming application by Dalton Metal Recycling. for Proposal of Application Notice at 52 - 66 Salamander Street, South Leith, Edinburgh</p> <p>Proposed mixed use development comprising purpose-built student accommodation, residential (build to rent), retail/commercial space and associated works – application no. - 23/03571/PAN.</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To request that the applicant consider the need for affordable housing.
4.3 – Report for forthcoming application by West Craigs Ltd. & Wheatley Homes East. for Proposal of at land 175 metres southeast of Meadowfield Farm, 15 Turnhouse Road, Edinburgh.	Report for forthcoming application by West Craigs Ltd. & Wheatley Homes East. for Proposal of Application Notice at land 175 metres southeast of Meadowfield Farm, 15 Turnhouse Road, Edinburgh. Extension to consented Maybury Primary School, nursery, and health centre, including access arrangements, realignment of road network, active travel routes, infrastructure works, SuDS and landscaping – application no. 23/03438/PAN.	To note the key issues at this stage.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.4 – Application for Planning Permission at 14 Ashley Place, Edinburgh, EH6 5PX	<p>Application for Planning Permission 14 Ashley Place, Edinburgh, EH6 5PX</p> <p>Proposal: Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. – 22/06251/FUL.</p>	<p>To CONTINUE consideration of the application for a hearing. (On a division)</p>
4.5 – Application for Planning Permission at 1,3 and 5 Baronscourt Road, Edinburgh, EH8 7ET.	<p>Application for Planning Permission 1,3 and 5 Baronscourt Road, Edinburgh, EH8 7ET. Proposal: Demolition of existing commercial units and replacing with a residential unit containing 19 apartments (as amended) - application no. – 21/03101/FUL.</p>	<p>To GRANT planning permission subject to the conditions, reasons informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
4.6 - Application for Planning Permission at 21 Calder Road, Edinburgh, EH11 3PF	<p>Application for Planning Permission 21 Calder Road, Edinburgh, EH11 3PF. Proposal: Change of use to form Class 10 primary education centre, including forming new vehicular access - application no. – 23/00933/FUL.</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
4.7 - Application for Planning Permission STL at 113A Grove Street, Edinburgh, EH3 8AB.	<p>Application for Planning Permission STL 113A Grove Street, Edinburgh, EH3 8AB</p> <p>Proposal: Change of use to short-term holiday let accommodation (in retrospect) for 3 months (June-August) of every calendar year. (Resubmission related to 23/01275/FULSTL) - application no. – 23/03307/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer. (On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
4.8 - <u>Application for Planning Permission at Wester Hailes Education Centre, 5 Murrayburn Drive, Edinburgh</u>	Application for Planning Permission Wester Hailes Education Centre, 5 Murrayburn Drive, Edinburgh. Proposal: Erection of Secondary School building with associated hard and soft landscaping and car-parking - application no. 23/01308/FUL.	To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.
5.1 - <u>Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ.</u>	Application for Planning Permission in Principle at Salamander Street/Bath Road, Edinburgh, EH6 7JZ. Demolition of existing buildings and erection of mixed-use development comprising flatted residential, office and commercial floorspace with associated access arrangements, parking, landscaping and ancillary works (as amended scheme 3), application no. 21/01163/PPP	To AGREE to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.1 - Application for Planning Permission at 11A James' Court, 493 Lawnmarket, Edinburgh.</p>	<p>Application for Planning Permission 11A James' Court, 493 Lawnmarket, Edinburgh. Proposal: Proposed refurbishment of and extension to the existing retail /store unit. Application no. – 23/00491/FUL.</p>	<p>1) To agree to determine the application at this meeting of the Sub-Committee without the requirement for a committee site visit.</p> <p>(On a division)</p> <p>2) To REFUSE planning permission for the reasons set out below:</p> <p>a) Adverse impact on amenity contrary to Policy Des5</p> <p>b) Adverse impact on the setting of the adjacent listed building contrary to NPF 4 Policy 7c.</p> <p>c) Adverse impact on the character and appearance of the conservation area contrary to NPF 4 Policy 7d</p> <p>Dissent</p> <p>Councillor Cameron requested that her dissent be recorded in respect of the decision for this item.</p>

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 4 October 2023

Present:

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

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of the 23 August 2023 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Section 7 of the agenda for this meeting.

Substitutions:

Councillor Graham for Councillor Cameron

Councillor Mumford for Councillor Staniforth

Requests for a presentation:

Councillor Booth requested a presentation in respect of item 4.3 – Oxcars Court and Inchmickery Court, Muirhouse Grove, Edinburgh – application no. 23/01118/FUL.

Councillor Booth requested a presentation in respect of item 4.4 – Development North of Inchgarvie Lodge, Society Road, Port Edgar – application no. 22/01987/FUL

Councillor Beal requested a presentation in respect of item 4.5 – Development North of Inchgarvie Lodge, Society Road, Port Edgar – application no. 22/02047/LBC

Decision

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

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

3. 104-106, 107 and 108 Princess Street, Edinburgh

Details were provided of proposals for planning permission for the 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) at 104-106, 107 & 108 Princes Street, Edinburgh - application 23/01417/FUL.

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

Motion

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

- moved by Councillor Osler, seconded by Councillor Jones.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Des 1, NPF4 Policy 7 (paragraphs c, d and l) and Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Booth, seconded by Councillor Gardiner.

Voting

For the Motion - 6

For the Amendment - 5

(For the Motion: Councillors Beal, Dalgleish, Jones, McNeese-Mechan, Mowat, and Osler.)

(For the Amendment: Councillors Booth, Gardiner, Graham, Mattos Coelho and Mumford.)

Decision

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

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

4. 104-106, 107 and 108 Princess Street, Edinburgh

Details were provided of proposals for internal and external alterations including partial demolition and rear extension to form new hotel (as amended) at 104-106, 107 & 108 Princes Street, Edinburgh - application no. 23/01420/LBC.

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

Motion

To **GRANT** listed building consent subject to the informative as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Osler, seconded by Councillor Mowat.

Amendment

To **REFUSE** listed building consent as the proposals were contrary to Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Booth, seconded by Councillor Gardiner.

Voting

For the Motion - 6

For the Amendment - 5

(For the Motion: Councillors Beal, Dalgleish, Jones, McNeese-Mechan, Mowat, and Osler.)

(For the Amendment: Councillors Booth, Gardiner, Graham, Mattos Coelho and Mumford.)

Decision

To **GRANT** listed building consent subject to the informative as set out in section C of the report by the Chief Planning Officer.

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

5. 181 St John's Road, Edinburgh

Details were provided of an 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 seeing to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers at 181 St John's Road, Edinburgh - application no. 22/04607/OBL.

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

Motion

To **CONTINUE** consideration of the application for further scrutiny of consultation response on affordable housing and for an open book appraisal in relation to the Section 75 Agreement.

- moved by Councillor Booth, seconded by Councillor Osler.

Amendment

To agree to the application for the Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL.

- moved by Councillor Mowat, seconded by Councillor Jones.

Voting

For the Motion - 8

For the Amendment - 3

(For the Motion: Councillors Beal, Booth, Dalgleish, Gardiner, Graham, Mattos Coelho, Mumford, and Osler.)

(For the Amendment: Councillors Jones, McNeese-Mechan and Mowat.)

Decision

To **CONTINUE** consideration of the application for further scrutiny of consultation response on affordable housing and for an open book appraisal in relation to the Section 75 Agreement.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
4.1 – 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	To note the key issues at this stage.
4.2 – 52 Eyre Place, Edinburgh	Change of use from residential to short-term holiday let accommodation - retrospective - application no. 23/02813/FULSTL	To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to: <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. 2) The amendment of condition 4 to read: “Notwithstanding the details shown on the approved plans, details of revised cycle parking provision to include non-standard cycle parking taking account of the Council's Guidance and Cycling Factsheet, shall be submitted to and approved by the Council, as planning authority.”

<p>4.4 – Development North of Inchgarvie Lodge, Society Road, Port Edgar</p>	<p>Conversion of existing listed buildings to 49 residential units, cafe/restaurant, and services apartment - application no. 22/01987/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. 2) An amendment to condition 11 to read: “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 to more closely comply with the Council's Cycling Factsheet.”
<p>4.5 - Development North of Inchgarvie Lodge, Society Road, Port Edgar</p>	<p>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</p>	<p>To GRANT listed building consent subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. 2) An amendment of condition 4 to read: “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 (including a potential to site an interpretation board details and siting to be agreed), analysis & reporting, publication) in accordance with a written scheme of investigation

		which has been submitted by the applicant and approved by the Planning Authority”.
4.6 - 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.	To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
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	To GRANT planning permission subject to the conditions, reasons and a legal agreement and NPF4 considerations as set out in section C of the report by the Chief Planning Officer.
7.1 - 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) - application 23/01417/FUL	To GRANT planning permission subject to the conditions, reasons informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer. (On a division.)
7.2 - 104-105 Princes Street, Edinburgh, EH2 3AA	Internal and external alterations including partial demolition and rear extension to form new hotel (as amended) - application no. 23/01420/LBC	To GRANT listed building consent subject to the informative as set out in section C of the report by the Chief Planning Officer. (On a division.)
7.3 - 106 Princes Street, Edinburgh, EH2 3AA	Internal and external alterations, including partial demolition and rear extension, to form new hotel (as amended) - application no. 23/01422/LBC	To GRANT listed building consent subject to the informative as set out in section C of the report by the Chief Planning Officer.
7.4 - 107-108 Princes Street, Edinburgh, EH2 3AA	Demolition of retail and office building - application no. 23/01425/CON	To GRANT conservation area consent subject to the condition, reason and informative set out in section C of the report by the Chief Planning Officer.

<p>7.5 - 181 St John's Road, Edinburgh, EH12 7SL</p>	<p>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 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</p>	<p>To CONTINUE consideration of the application for further scrutiny of consultation response on affordable housing and for an open book appraisal in relation to the Section 75 Agreement.</p> <p>(On a division.)</p>
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Development Management Sub Committee

Wednesday 25 October 2023

Report for forthcoming application by

M2 West Edinburgh, c/o Miller Developments for Proposal of Application Notice.

23/04182/PAN

at Site At Former RAF Turnhouse, Turnhouse Road, Edinburgh.

Proposed alterations to industrial storage park as previously consented (Ref: 09/00302/FUL and 08/01484/FUL) to provide for improved access, layout, and reduced units numbers, with associated landscaping works.

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for 'proposed alterations to industrial storage park as previously consented (Ref: 09/00302/FUL and 08/01484/FUL) to provide for improved access, layout, and reduced units numbers, with associated landscaping works' at the Former RAF Turnhouse, Turnhouse Road, 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 (Ref: 23/04182/PAN) on 5 September 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 proposed application site measures 7.65 hectares and comprises land to the north of Turnhouse Road associated with the former RAF Turnhouse. The site is largely vacant with few legacy features of the site's previous use remaining. Existing access points are from Lennymuir to the north east and Turnhouse Road to the south. Residential properties are located along the northern boundary of the site and the Edinburgh to Fife railway line lies directly to the east of the site. Edinburgh Airport lies to the south and west of the site and major housing development is under construction in the wider area to the east at West Craigs. Agricultural land lies to the north or Lennymuir and Turnhouse Golf Club is nearby to the east as well.

2.2 Site History

29.06.2000 - Application for outline consent for ' New business development on former RAF base' at land adjacent and to rear of: 156 Turnhouse Road, EH12 0AD was granted (Ref: 98/03366/OUT).

28.04.2003 - Application for planning permission for 'Variation of Condition 1 (Planning Consent Ref. 98/03366/OUT) to extend the time limit for the submission of reserved matters by 1 year (29 June 2003)' was granted at land opposite 45 Turnhouse Road Edinburgh EH12 8ND (Ref: 03/00064/FUL).

02.06.2004 - Application for planning permission for the 'Variation of Condition 1 (Planning Consent Ref 98/03366/OUT) as amended by Condition 1 (Planning Consent 03/00064/FUL) to extend the time limit for the submission of reserved matters by 1 year (29 June 2005) (New business development on former RAF base)' at Turnhouse Road Edinburgh was granted (Ref: 04/01246/FUL).

27.07.2006 - Application for approval of reserved matters to erect business development with associated car parking, internal service roads, landscaping and ancillary works was approved at a development Site at Former RAF Turnhouse, Turnhouse Road, Edinburgh EH12 0AL (Ref: 05/02072/REM).

24.05.2008 - Application for planning permission was withdrawn for an extension to 3 industrial units at a Development Site at Former RAF Turnhouse, Turnhouse Road, Edinburgh (Ref: 08/01484/FUL).

02.11.2010 - Application for planning permission was granted for the erection of an office/ industrial storage park at a Site at Former RAF Turnhouse Turnhouse Road Edinburgh (Ref: 09/00302/FUL).

25.03.2021 - Permitted Development Notification: Formation of Temporary Compound required at Turnhouse Road at a Site at Former RAF Turnhouse, Turnhouse Road, Edinburgh (Ref: 21/01158/PRN).

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for proposed alterations to industrial storage park as previously consented (Ref: 09/00302/FUL and 08/01484/FUL) to provide for improved access, layout, and reduced units numbers, with associated landscaping works.

3.2 Key Issues

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

a) The principle of development is acceptable in this location

The site lies within the Urban Area of the Edinburgh Local Development Plan 2016 (LDP). The site has numerous historic planning consents, but a new proposal will be required to comply with the policies set out in the Development Plan. National Planning Framework 4 policy 26 (Business and Industry) applies to new proposals for business, industry and storage and any proposal must address this policy. Other NPF 4 policy requirements in relation to the climate and nature crises, as well as sustainability and must be addressed as well.

The LDP Greenspace proposal GS7 identifies an enhancement and diversion of the Gogar Burn with the indicative alignment following the south boundary and west boundary of the site. This GS7 proposal seeks to reduce flood risk in west Edinburgh, improve water quality and enhance biodiversity and any proposal must not prejudice this development plan requirement.

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

Prior to the adoption of City Plan 2030, additional material considerations include recent appeal decisions in West Edinburgh which have taken a view that some development may be premature in the context of the emerging City Plan 2030 where it would potentially prejudice its examination.

In this case the diversion of the Gogar Burn is identified in the proposed City Plan with the indicative route shown along the south and west boundaries of the proposed red line boundary for this proposal. In the context of co-ordinated development any application will be required to consider the potential for effects of proposal(s) on the plan-led strategy that underpins the drainage strategy in West Edinburgh as part of the proposed City Plan 2030.

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

The proposals will be assessed against the relevant design policies in the Local Development Plan, NPF4 and the non-statutory Edinburgh Planning Guidance (where applicable). The applicant should clearly demonstrate how the proposed design will consider the relevant development plan policies and guidance.

c) The proposals will have a detrimental impact on the amenity of neighbours

Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected.

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

Transport information regarding general access arrangements, sustainable travel facilities including cycle parking, and how the proposal can integrate with the surrounding transport network will be required to support this submission. A clear strategy in relation to sustainable travel should be provided.

e) There are any other environmental factors that require consideration

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement and travel plan;
- Landscape and visual appraisal information;
- Preliminary Ecological Appraisal;
- Flood Risk Assessment and drainage information;
- Socio-Economic Appraisal;
- Noise Impact Assessment;
- Phase 1 Ground Investigation Report;
- Sustainability Statement and S1 form.

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

Environmental Impact Assessment:

The proposal has been screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, and it has been concluded that an Environmental Impact Assessment is not required.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following receipt of the proposal of application notice (PAN) the applicant has given an indication that the public events (minimum two) will take place in a venue within reasonable proximity of the application site between October and December 2023 - dates to be confirmed. The events will take place between 3-8pm on a weekday evening.

The proposals will be advertised in the Edinburgh Evening News at least 10 days in advance of each event.

The PAN was sent to Ratho and District Community Council; Corstorphine Community Council; Cramond and Barnton Community Council; Councillor Kevin Lang; Councillor Norman Work; Councillor Louise Young; and Councillor Lewis Younie.

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

Background reading/external references

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

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Location Plan



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Development Management Sub Committee

Wednesday 25 October 2023

Report for forthcoming application by

Crosswind Developments Ltd. for Proposal of Application Notice

23/04202/PAN

at land to south west of Meadowfield Farm, Turnhouse Road, Edinburgh.

Mixed use development, including commercial floorspace (class 1a Shops, financial, professional and other services; class 3 restaurants and cafes; sui generis including public houses; class 4 business; class 6 storage and class 7 hotels; class 10 non-residential institutions; and class 11 assembly and leisure); residential floorspace (including class 9 houses and sui generis flats); associated infrastructure; car parking; and landscaping.

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-committee of a forthcoming application for planning in principle for a proposed mixed use development at land to the south west of Meadowfield Farm, Turnhouse Road, Edinburgh (including the former 12/30 'Crosswind' runway, formerly part of Edinburgh Airport).

The submission of the PAN follows the dismissal of appeal ref. PPA-230-2333 by Scottish Ministers on 9 February 2022. The upcoming application represents a repeat of the earlier application to the City of Edinburgh Council (ref 20/03219/PPP) for the same land (with a reduced red line site boundary) and the same description of development.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 23/04202/PAN) on 6 September 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 proposal site (29.3 hectares) is defined by Edinburgh Airport to the north west and the Edinburgh-Fife railway to the north east. The southern site edges are defined by the Castle Gogar Estate and Castle Gogar Drive (a tree lined avenue), the Edinburgh Tram Depot and Myreton Drive which provides access between the depot and the Gogar Roundabout. The Edinburgh Gateway Station, providing connections to tram and heavy rail, lies to the south east. Part of the Gogar Burn is within the proposed red line boundary area at its western extent, and within the site other features include sections of mounding and legacy hard standing. The site is relatively flat with a noticeable change in levels at Myreton Drive and the south of the site. Trees and vegetation are located within the west of the site and at its boundary with Castle Gogar. Extensive views to the Pentland Hills are available from within the site.

Large scale housing development is currently under construction at West Craigs, which lies on the opposite side of the railway to the north east of the site.

The majority of the site comprises the former operational land for Edinburgh Airport including the 12/30 'Crosswind' runway which was decommissioned in 2018. The site is commonly referred to as 'Crosswinds'.

2.2 Site History

9 February 2023 - Scottish Ministers refused planning permission in principle for Mixed Use Development including business and employment uses (use class 4, 5 and 6); residential (class 9) and sui generis flatted development (including affordable and student accommodation); hotels (class 7); ancillary uses including retail (class 1); financial and professional services (class 2); food and drink (class 3 and sui generis); non-residential institutions (class 10); assembly and leisure (class 11); and associated works including car parking, services, access and public realm (Ref: PPA-230-2333).

3 March 2021 - Application refused for Mixed Use Development including business and employment uses (use class 4, 5 and 6); residential (class 9) and sui generis flatted development (including affordable and student accommodation); hotels (class 7); ancillary uses including retail (class 1); financial and professional services (class 2); food and drink (class 3 and sui generis); non-residential institutions (class 10); assembly and leisure (class 11); and associated works including car parking, services, access and public realm (Ref: 20/03219/PPP).

22 January 2020 - Proposal of Application Notice approved for Proposed Mixed Use Development (Ref: 19/05303/PAN).

Other applications of relevance in the immediate surrounding area include:

30 November 2018 - An application for planning permission in principle for 'Proposed pedestrian and cycle bridge with associated landscaping' was granted at Land To South West Of Meadowfield Farm Turnhouse Road Edinburgh (Ref: 18/07600/PPP).

10 November 2020 - An application for the Approval of Matters Specified in Conditions of planning permission in principle 18/07600/PPP in respect of Conditions 1, 4, 5 and 6 was approved at land to south west of Meadowfield Farm, Turnhouse Road, Edinburgh (Ref: 20/01148/AMC).

15 April 2021 - Proposal of Application Notice was submitted for 'Mixed use development incorporating class 4 (business), class 5 (general industrial), class 6 (storage or distribution), class 9 (houses), flatted development (sui generis), active travel routes, landscaping, access, and associated ancillary development' at a Site 100 Metres East Of 194 Glasgow Road, Edinburgh (Ref: 21/01364/PAN).

20 August 2021 - Refusal of an application for planning permission for the 'Formation of new access road and active travel route from east of terminal building to Gogar Roundabout' at Main Terminal, 1 Edinburgh Airport, Jubilee Road, Edinburgh, EH12 9DN (Ref: 21/00217/FUL). The decision was appealed to Scottish Ministers who dismissed the appeal on 20 March 2023 (Ref: PPA-230-2361).

29 March 2022 - Proposal of Application Notice was submitted for development that 'Relates to Phase 1 of new neighbourhood comprising residential-led mixed use development including residential (Class 9) and sui generis flatted development (including student housing, build to rent and affordable housing), business and employment uses (Class 4), general industrial uses (Class 5), storage or distribution uses (Class 6), hotels (Class 7), residential institutions (Class 8), non-residential institution uses/education (Class 10), retail (class 1), financial, professional and other services uses (Class 2), food and drink uses (Class 3), assembly and leisure uses (Class 11), other sui generis uses and other related infrastructure and associated works including car parking, servicing, access arrangements, formation of new roads and active travel networks, sustainable urban drainage and open space/public realm' at Land 500 Metres North East Of Ingliston Park And Ride 2 Eastfield Road Eastfield Road Edinburgh (Ref: 22/01626/PAN).

Main report

3.1 Description of the Proposal

The forthcoming application will seek planning permission in principle for a mixed use development, including commercial floorspace (Class 1a - shops, financial, professional and other services; Class 3 - restaurants and cafes; Sui generis - including public houses; Class 4 - business; Class 6 - storage; Class 7 - hotels; Class 10 - non-residential institutions; and Class 11 - assembly and leisure; residential floorspace (including Class 9 - houses and Sui generis - flats); associated infrastructure; car parking and landscaping.

3.2 Key Issues

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

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

The Edinburgh Local Development Plan (LDP) identifies the majority of the site as a Special Economic Area. Relevant considerations relating to the principle of the proposed use are set out in LDP Policy Emp 4 - Edinburgh Airport. This outlines that the development and enhancement of Edinburgh Airport will be supported within the airport boundary as defined on the Proposal Map. Proposals for ancillary services and facilities will only be permitted where it can be demonstrated that these have strong and direct functional links with the airport and are compatible with the operational requirements of the airport.

LDP Transport Proposal T9 outlines the requirements for the Gogar Link Road, required to support long term development in West Edinburgh and connecting Eastfield Road to the Gogar Roundabout via the International Business Gateway. The LDP identifies an indicative alignment and safeguard which crosses the southern part of the application site.

The Gogar Burn which flows to the southern edges of the site is designated as a Local Nature Conservation Area with Areas of Importance for Flood Management lying immediately adjacent. These partially extend into the proposal site in the vicinity of Castle Gogar Estate. LDP Greenspace proposal GS7 identifies an enhancement and diversion of the Gogar Burn with indicative alignment crossing the site from north to south. This proposal seeks to reduce flood risk in west Edinburgh, improve water quality and enhance biodiversity and any proposal must not prejudice this LDP requirement.

Trees within the site and outside the boundary along the access to Castle Gogar are the subject of a Tree Preservation Order (reference: TPO 204) and must be considered in any proposal.

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

Prior to the adoption of City Plan 2030, additional material considerations include recent appeal decisions in West Edinburgh which have taken a view that development may be premature in the context of the emerging City Plan 2030 where

it would potentially prejudice its examination. In this case the identified site is identified for housing led development within the City Plan 2030 Proposals Map and a number of transport infrastructure proposals are identified in the proposed plan. Any application will be required to consider the effects of proposals on the plan-led strategy that underpins the development of West Edinburgh in the proposed City Plan 2030.

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

The proposals will be assessed against the relevant design policies in the Local Development Plan, NPF4 and the non-statutory Edinburgh Design Guidance (where applicable). The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. As part of the application for planning permission in principle the applicant will be expected to identify which design matters are to be reserved to the approval of matters specified in conditions planning stage(s).

c) The proposals would provide a suitable framework for the future development of the site and will address requirements of relevant policy and guidance;

The proposal will represent the development of a major strategic site in West Edinburgh. In order to guide the effective long term development of the site, proposals must be supported by a sufficient level of master planning information to demonstrate how co-ordinated development with surrounding LDP allocated sites is achievable.

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

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

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

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;

- Flooding and Drainage Assessment, including Surface Water Management Plan;
 - Transport Assessment;
 - Air Quality Assessment;
 - Noise Assessment;
 - Land Contamination Assessment;
 - Tree Survey;
 - Phase 1 Habitat and Protected Species Survey;
 - Archaeology Report; and
 - S1 Sustainability Statement Form and sustainability 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.

Environmental Impact Assessment:

An Environmental Impact Assessment accompanied the previous planning permission in principle application that was refused for similar development at this application site. Any new application site will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

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 (PAN) outlines arrangements for formal public consultation events. This will be in the form of two events held at the Gyle Shopping Centre, on Wednesday 4 October and Wednesday 25 October 2023, both from 3pm-7pm. A consultation website will also be set up prior to the events.

The proposal will be advertised in the Edinburgh Evening News at least 7 days prior to the public consultation events.

The PAN was sent to Ratho and District Community Council; Corstorphine Community Council; and Cramond and Barnton Community Council. Ward Councillors for Almond, Pentland Hills, Corstorphine/ Murrayfield, Drumbrae/ Gyle have also been sent a notification of the PAN, as well as local MSPs and MPs.

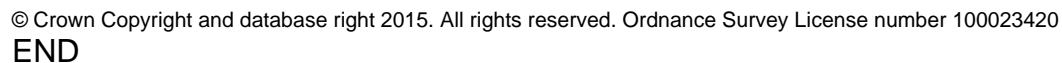
The results of this consultation will be submitted with the future planning application as a Pre-application Consultation Report (PAC).

Background reading/external references

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

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Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Planning Permission
Strathmore House, 4 Church Hill, Edinburgh**

Proposal: Change of use from former nursing home to 6 No. private apartments. Proposals include car parking provision, private and common garden amenity space, refuse and recycling facilities plus bicycle storage provision. Proposal includes a new build 3 storey element located to the rear of the building with no impact upon the existing listed symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place (As amended).

**Item – Committee Decision
Application Number – 23/02038/FUL
Ward – B10 - Morningside**

Reasons for Referral to Committee

This application has been deferred to the Development Management Sub Committee on recommendation of the Chief Planning Officer.

Recommendation

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

Summary

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

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

The proposals do not comply with LDP policy Hou 3 as useable greenspace will not be met in quantity and quality terms. The planning history and characteristics of the site is a relevant consideration that overrides this minor infringement. The proposal would secure a future use for the listed building future occupiers would still have an attractive living amenity within the development. The proposal will not have an adverse impact on neighbouring amenity. On balance, the proposals are compatible with the policies contained in NPF4 in relation to sustainable, liveable, and productive places. Except for useable greenspace, the proposal complies with the policies contained in the Edinburgh Local Development Plan. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a substantial traditional detached villa located on the south side of Church Hill, Morningside. It has two storeys and a basement level and is finished in sandstone with a slate roof. The building was last in use as a nursing home.

There is a single storey side extension on the existing west elevation of the building that was granted permission in 2002.

The original villa plot was subdivided in the late 1980s with Chartwell (4b Church hill), a two-storey block of flats, developed to the south of the application building. The subdivision has resulted in a large area of hard standing for car parking. A shared access road runs through the eastern section of the site.

There are mature trees within the site.

The building is category B listed (date of listing: 30/03/1993, listing reference: LB27048) and is in the Merchiston and Greenhill conservation area.

Description of the Proposal

The application proposes a change of use from existing nursing home (Class 8) to form six residential flats (Sui generis).

The proposal is to remove the existing side extension and in replacement, erect a one and three storey flat roofed side extension. The three-storey element will sit back by approximately 13 metres from the front building line. The treatment finish includes dressed buff sandstone block/cladding, vertical standing seam zinc cladding, aluminium grey windows, and spandrel panels with painted grey balustrades.

The proposed unit mix includes five units with two-bedrooms and one unit with three-bedrooms, ranging between 92 sqm and 126.5 sqm.

The existing shared access from Church Hill is proposed to be retained and widened by 500mm.

It is proposed to retain the existing four off-street car parking spaces.

A covered cycle storage is proposed against the east elevation of the building. The storage includes stands to facilitate twelve bikes. The cycle storage will be timber clad with metal frames.

To facilitate the proposed development, a total of one tree (T8-Lawson Cypress) will require to be removed and two trees (T10 and T11) will require pruning in height. In addition, tree group G2 will require partial removal (common Holly) as part of long-term management. The proposal includes four replacement tree planting which is to be planted in gaps along the eastern and southern section of the site.

Scheme Four

The original site plan was revised to reduce the impact on existing trees. This included re-positioning the widening of the existing access road, reducing the number of car parking spaces to facilitate the relocation of the cycle parking and replacing the stone wall boundary with hedging instead.

Supporting Information

- Supporting letter
- Surface water management plan and drainage information
- Arboricultural Impact Assessment
- Tree Protection Plan and Arboricultural Method Statement
- Preliminary Bat Roost Assessment
- Ecological Appraisal of Bats

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

Relevant Site History

22/05336/FUL

Strathmore House

4 Church Hill

Edinburgh

EH10 4BQ

Change of use from nursing home to 6 private domestic residential dwellings including car parking, private external amenity space, refuse and recycling storage, and cycle provision.

Refused

18 January 2023

22/05607/LBC

Strathmore House

4 Church Hill

Edinburgh

EH10 4BQ

Change use of former nursing home to provide 6x dwellings including parking, private amenity space, refuse storage and provision of bicycle storage.

Refused

9 January 2023

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Flood Prevention

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 26 May 2023

Site Notices Date(s): 23 May 2023

Number of Contributors: 2

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 Use and Adaptation of Listed Buildings
- Managing Change Extensions
- Managing Change Settings
- Managing Change External Walls

The application is for a similar resubmission of a previously refused scheme which was dismissed on appeal at the Local Review Body and DPEA (applications 22/05336/FUL and 22/05607/LBC). The DPEA reporter's assessment (appeal reference, LBA-230-2251) is a relevant material consideration in the assessment of the current proposals. It should be noted the reporter did not take issue with the proposed side extension against the listed building or its impact on the conservation area. Instead, the issue related to the interior proportions of principal rooms being disrupted by the width of the openings to the new extension, subdivision of bedrooms with en-suites, subdivisions interfering with fireplaces and the degree of intervention to historic floor plans.

For reasons that the proposed internal alterations are not development, they have not been assessed for the purpose of this application. This issue is examined through the application for listed building consent (23/02101/LBC).

HES 'Managing Change Extensions' guidance acknowledges that it is difficult to set hard and fast ground rules for extending listed buildings as much of it depends on the site, the landscape, the scale and form of the listed building and of the extension proposed. A basic principle, however, is that an extension should play a subordinate role and should avoid creating an unbalanced design. It also acknowledges that some substantial contemporary additions can be made to listed buildings where they can either have a differential or assertive contrast.

The principal elevation of the main building is symmetrical in appearance. The size and arrangement of windows on the side elevations are not linear or uniform in appearance. There is an existing single storey side extension on the west elevation of the building. Given the subdivision of the original villa plot to facilitate the residential development to the rear of the site, the original setting of the listed building has been compromised to a degree. This includes the access road that runs through the site, the size and distance of the neighbouring infill development to the rear of the site, and the size of the application plot itself. The development to the rear of the site occupies a large area of hardstanding for residents' parking. The application plot has extensive tree cover to the front and to the sides.

The proposed side extension will be set back from the principal elevation of the main building. The flat roof element and the proposed use of vertical standing seam zinc cladding would contrast with the existing building. The ground floor element will be set back by 3 metres where it will largely be screened by an existing wall. The three-storey element will be set back approximately by 13 metres where it will have a depth of 5.5 metres on the west elevation of the existing building. Existing windows will not be affected by the proposed extension. Due to the degree of set back from the principal elevation, simplified treatment finish to the front, and existing tree cover, the proposed extension will not result in an unbalanced composition. While the extension to the front will provide a differential contrast, it will not result in adverse harm to the listed building or its setting.

The design of the extension to the rear is more assertive with articulated detailing and use of treatment finish to break up its scale and massing. The use of contemporary windows and spandrel panels will provide a lightweight separation between the existing and new. The proposed use of vertical standing seam zinc cladding and dressed buff sandstone block will allow the new addition to read as a contemporary and complimentary addition without resulting in adverse harm to the listed building or to its setting.

A condition requiring sample details of all treatment finish to be provided is required. This is to consider this matter in more detail and to ensure that the materials are appropriate for its context.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards 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 Merchiston and Greenhill character appraisal advises that by the early 20th century, the spatial layout of the area was well established. The character of the street layout is dominated by Victorian villas, interspersed with substantial two, two and half and three storey terraces of outstanding quality. In the Churchill area there are significant contrasting changes of density and built form.

Buildings are complemented by a profusion of mature trees, hedges, extensive garden settings, stone boundary walls with gatepiers, metal railings, a variety of gates/fences and spacious roads. The villas incorporate a considerable variety and blend of architectural styles, unified with the use of local building materials, with grey sandstone and slated roofs.

The character appraisal also acknowledges that a number of sites within the conservation area have been redeveloped with modern block of flats. In some instances, their bulk and siting sharply contrast with the more elegant setting and fine urban grain that is prevalent in the area.

Due to the degree of set back from the principal elevation and existing tree cover, the location of the proposed extension will have limited impact on the appearance of the conservation area. In terms of character, the application site is an example of where subdivision of the original plot and redevelopment of flats to the rear of the site contrasts sharply with the urban grain of the area. However, as there is an existing side extension, the principle of redevelopment is compatible with that character. The proposed scale, form and design will not undermine the character or the appearance of the conservation area. The proposed treatment finish will allow the extension to read as a modern and complementary addition without having a detrimental impact on the conservation area. The proposal will result in conservation gains by allowing a vacant building to be adapted and brought back into use.

The location and design of the proposed refuse and cycle store will not result in adverse harm to the character or the appearance of the conservation area. The use of timber cladding for the cycle storage is acceptable.

Conclusion in relation to the conservation area

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

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

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering historic asset policies. The non-statutory 'Edinburgh Design Guidance' is a material consideration that is relevant when considering the design, parking, and tree related policies.

Principle of the development

LDP policy Hou 5 sets out the circumstances where planning permission will be granted for a change of use of existing building in non-residential use to housing. The compatibility of the proposed conversion is addressed in more detail below.

Residential environment

All units exceed the minimum floor space standards as contained in the Edinburgh Design Guidance.

All units will have a dual aspect and will receive adequate daylight.

In terms of housing mix, the proposal is for less than 12 units and is therefore not required to be designed for growing families. The proposal complies with LDP policy Hou 2.

The proposed conversion to residential use is compatible with nearby residential uses on this street.

Car and cycle parking

The proposal to retain four of the existing off-street car parking is acceptable and will not exceed the maximum car parking standard contained in the Edinburgh Design Guidance. Out of the six units proposed, two units will not have a designated off-street car parking space. Given the proximity to nearby public transport and amenities, this is acceptable.

The proposed covered cycle storage with stands to accommodate twelve bikes complies with the minimum cycle parking requirements contained in the Edinburgh Design Guidance. The location of the proposed cycle parking within existing car parking area is acceptable as the opportunity to locate cycle parking elsewhere within the site is limited. This is due to the space constraints of the site and existing tree root areas. The proposal complies with LDP policies Tra 3 and Tra 4.

The proposal complies with NPF 4 policy 13 and LDP policies Tra 2, 3 and 4.

Open space

A ground for refusal for planning permission 22/05336/FUL related to LDP policy Hou 3 (Private Green Space in Housing Development). The refused scheme provided private gardens for three units only. The current scheme provides approximately 77 sqm of communal garden space to the front, 24 sqm private space for apartment 1 and 62 sqm private space for apartment 2.

LDP policy Hou 3 states that in flatted developments with communal provision, this will be based on a standard of 10 sqm per flat and this equates to 40 sqm (excluding units with private gardens). In addition, minimum of 20% of total site area should be useable greenspace and this equates to approximately 237 sqm.

While the quantity of communal provision is met, the proposal does not meet the quantity or quality of useable greenspace, with an approximately shortfall of 74 sqm. The communal garden area to the front of the building is north facing with mature trees shading most of the site on its northern and western boundary. The proposed open space provision, both private and communal are limited in their capacity to receive adequate sunlight and to be used for a wide range of functions. The characteristics of the site, however, is a relevant material consideration in outweighing the absence of useable greenspace. The site layout is constrained due to its historic subdivision of the original plot with Chartwell (4b Church hill) located to the rear of the site. It is in the beneficial interest of the listed building to be adapted to secure a long-term future use which will provide an attractive living environment internally with car and cycle parking met. The trees within the site are of paramount importance to be retained and protected. The site is within walking distance to Morningside/Bruntsfield town centre and is within 800 metres walking distance of The Meadows and Bruntsfield Links. While the useable greenspace criteria are not met, future occupiers would still have an attractive living amenity in this location. It would be unreasonable to refuse planning permission on grounds of LDP policy Hou 3 when there are other material considerations. The infringement is therefore justifiable in this instance.

The proposals do not comply with LDP policy Hou 3 but there are other material considerations that outweigh this infringement.

Design

The design of the proposed extension is assessed in more detail in the listed building and conservation section above. The proposal will not be damaging to the character of the area. The design and siting of the proposed extension addresses the sensitive qualities of the main building where it will not result in adverse harm to its character. The proposal complies with LDP policies Des 1 and Des 12.

Neighbouring amenity

The proposed conversion of the building to residential and the proposed extension will not impact on neighbouring amenity in terms of loss of privacy, sunlight or result in adverse overshadowing. The proposal is compatible with nearby residential uses. The proposal complies with LDP policy Des 12.

Trees

A ground for refusal for planning permission 22/05336/FUL related to LDP policy Env 12.

The proposed refuse/recycling and cycling storage are positioned away from the existing tree root areas and this is acceptable. Hedging instead of a stone wall is to be used to delineate boundaries within the site. This is to avoid impacts on the health and longevity of the tree roots.

The submitted Arboricultural Impact Assessment and Tree Protection Plan and Arboricultural Method Statement was reviewed by specialist Tree Officers. The removal of one Lawson Cypress (T8) tree, pruning of two trees (T10 and T11) and partial removal of tree group G2 (Common Holly) is acceptable. Four trees, comprising of *Chamaecyparis lawsoniana* (Lawson cypress), *Ilex aquifolium* (Common holly), *Sorbus* 'Joseph Rock' (*Sorbus* species), and *Betula utilis* 'Jacquemontii' (White barked Himalayan birch) are proposed to be planted in gaps along the eastern and southern boundaries to offset loss to amenity. It should be noted that two trees will be replaced like-for-like. The proposal will not have a damaging impact on existing trees and the proposed replacement tree planting is acceptable.

Conditions relating to the arboricultural method statement and the landscaping scheme are applied. This is to safeguard existing trees and to ensure that the site is landscaped to a high standard of design upon completion.

The proposal complies with LDP policy Env 12.

Flooding impacts

A surface water management plan was submitted. Flood Prevention were consulted and advised that the application can proceed to determination.

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 proposal is linked to the spatial principles 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

NPF4 policy 2 seeks to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. As the proposal seeks to bring a vacant building back into use, this is linked to 'Conserving and recycling assets', 'Local living' and 'Compact urban growth' and is consistent with NPF4 policy 9, 15 and 25. The submitted Surface Water Management Plan demonstrates that a 1:200-year storm event (including allowance for climate change) can be attenuated safely on site with 1:1000-year (including allowance for climate change) return period accounted for. The retention of trees will continue act as a carbon soak and the replanting of four trees will enhance biodiversity within the site.

The proposal complies with NPF 4 policies 1, 2 and 3.

Protected Species

Following the 'Preliminary Bat Roost Assessment', an 'Ecological Appraisal of Bats' was carried out. The second survey confirmed that foraging and commuting activity was recorded but no bat roosts were identified within the associated buildings during the bat emergence surveys. The findings concluded that the proposal will not result in loss of foraging habitat or loss of bat roosts. As a result, no further survey works is required and that a bat licence is not required in this instance.

A landscape condition is applied to ensure that biodiversity measures outlined in the 'Aboriginal Report' is delivered.

The proposal complies with NPF4 policy 3(c).

Other Matters

Archaeology

As a category B listed villa, the application building is of historic interest. The City's Archaeology recommends that a basic archaeological historic recording of the building is undertaken prior to development to provide a permanent record of the building and its Victorian interior decoration. A condition is applied to that effect.

Developer Contributions

Education - Using the Council's pupil generation rates, the proposed conversion to six flats will not generate new pupils. A contribution towards education infrastructure is therefore not required.

Healthcare - The site is not within a health care contribution zone. No contribution towards health care is required.

Conclusion in relation to the Development Plan

The proposals do not comply with LDP policy Hou 3 as useable greenspace will not be met in quantity and quality terms. The planning history and characteristics of the site is a relevant consideration that overrides this infringement. The proposal would secure a future use for the listed building and future occupiers would still have an attractive living amenity within the development. The proposal will not have an adverse impact on neighbouring amenity. On balance, the proposals are compatible with the policies contained in NPF4 and in the Edinburgh Local 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 signed petition with twenty-three names was received in support of the application.

A summary of the representations is provided below:

material considerations

- The proposal is sympathetic to the building and conservation area - Addressed in Section A
- Facilitate a redundant building to provide much needed accommodation - Addressed in Section B

Conclusion in relation to identified material considerations

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

Overall conclusion

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

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

The proposals do not comply with LDP policy Hou 3 as useable greenspace will not be met in quantity and quality terms. The planning history and characteristics of the site is a relevant consideration that overrides this minor infringement. The proposal would secure a future use for the listed building future occupiers would still have an attractive living amenity within the development. The proposal will not have an adverse impact on neighbouring amenity. On balance, the proposals are compatible with the policies contained in NPF4 in relation to sustainable, liveable, and productive places. Except for useable greenspace, the proposal complies with the policies contained in the Edinburgh Local Development Plan. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No works shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. Notwithstanding the approved drawings, sample/s of the proposed dressed buff sandstone block/cladding for the side extension and samples of the proposed local stone boundary wall shall be submitted to and approved in writing by the Planning Authority before work commences on site. The samples should detail the stone type, colour and size.
4. Prior to occupation of the first residential unit, cycle storage as shown on Drawing 11C and 20A shall be provided.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. This shall include four replacement tree planting.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. No tree work to be carried out unless in accordance with the approved Arboricultural Method Statement (TD TREE AND LAND SERVICES LTD, Tree Protection Plan and Arboricultural Method Statement revision dated 29/09/2023) and (TD TREE AND LAND SERVICES LTD, Arboricultural Impact Assessment, revision dated 29/09/2023) or with separate consent from the planning authority.
8. Prior to the commencement of development all tree protection measures proposed in the approved Arboricultural Method Statement (TD TREE AND LAND SERVICES LTD, Tree Protection Plan and Arboricultural Method Statement, revision dated 29/09/2023) and (TD TREE AND LAND SERVICES LTD, Arboricultural Impact Assessment, revision dated 29/09/2023) and must be implemented in full. These measures must not be removed or altered in any way unless with the consent of the planning authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. To ensure that cycle parking/storage is delivered for future occupiers.
5. In order to ensure that a high standard of landscaping is achieved, and that replacement tree planting is delivered to offset loss to amenity.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to safeguard protected trees.
8. In order to safeguard protected trees.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
4. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.
5. As per the 'Ecological Appraisal of Bats' the applicant is encouraged to install three bat boxes at a height of 4m on the edge of the southern boundary trees, considering a clear flight path.
6. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge 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: 10 May 2023

Drawing Numbers/Scheme

01-10, 11C, 12-19, 20A, 21-28.

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: No objections, subject to programme of archaeological works.

DATE: 22 May 2023

NAME: Flood Prevention

COMMENT: Proceed to determination.

DATE: 2 October 2023

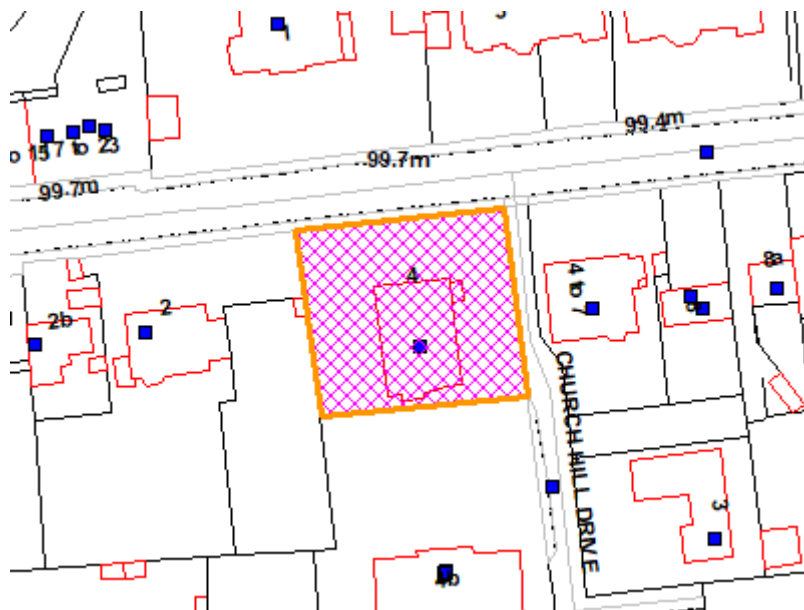
NAME: Transport Planning

COMMENT: No objection.

DATE: 24 May 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Listed Building Consent
Strathmore House, 4 Church Hill, Edinburgh.**

Proposal: Change of use from former nursing home to 6 private apartments. Proposals include car parking provision, private and communal amenity garden space, plus refuse, recycling, and bicycle storage facilities. Proposals include anew three storey new build extension located subserviently to the rear of the building with no impact upon the existing symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place (As amended).

**Item – Committee Decision
Application Number – 23/02101/LBC
Ward – B10 - Morningside**

Reasons for Referral to Committee

This application has been deferred to the Development Management Sub Committee on recommendation of the Chief Planning Officer.

Recommendation

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

Summary

The proposals have special regard to the desirability of preserving the building and its setting and will not adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a substantial traditional detached villa located on the south side of Church Hill, Morningside. It has two storeys and a basement level and is finished in sandstone with a slate roof. The building was last in use as a nursing home.

There is a single storey side extension on the existing west elevation of the building that was granted permission in 2002.

The original villa plot was subdivided in the late 1980s with Chartwell (4b Church hill), a two-storey block of flats, developed to the south of the application building. The subdivision has resulted in a large area of hard standing for car parking. A shared access road runs through the eastern section of the site.

There are mature trees within the site.

The building is category B listed (date of listing: 30/03/1993, listing reference: LB27048) and is in the Merchiston and Greenhill conservation area.

Description of the Proposal

The application proposes alterations to support the conversion of former nursing home to form six residential flats.

The proposal is to remove the existing side extension and in replacement, erect a one and three storey flat roofed side extension. The three-storey element will sit back approximately by 13 metres from the front building line. The treatment finish includes dressed buff sandstone block/cladding, vertical standing seam zinc cladding, aluminium grey windows, and spandrel panels with painted grey balustrades.

Internally, the proposal seeks to retain most of the adapted layout with small alterations to existing studs' partitions. New openings between the front facing rooms are proposed on the first and second floors. In terms of downtakings, the proposal is to create an opening on the ground, first and second floor to facilitate the new extension on the west elevation.

The existing shared access from Church Hill is proposed to be retained and widened by 500mm.

A covered cycle storage is proposed against the east elevation of the building. The storage includes stands to facilitate twelve bikes. The cycle storage will be timber clad with metal frames.

To facilitate the proposed development, one individual tree will require to be removed and two trees will require pruning in height. In addition, partial removal of a tree group is required as part of long-term management. The proposal includes four replacement tree planting.

Scheme One

The original site plan was revised reduce impact on existing trees. This included re-positioning the widening of existing access road, reducing the number of car parking to facilitate the relocation of the cycle parking and replacing stone wall boundary with hedging instead.

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

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): 26 May 2023

Site Notices Date(s): 23 May 2023

Number of Contributors: 1

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 Use and Adaptation of Listed Buildings
- Managing Change Extensions
- Managing Change Settings
- Managing Change External Walls
- Managing Change Interiors

The application is for a similar resubmission of a previously refused scheme which was dismissed on appeal at the Local Review Body and DPEA (applications 22/05336/FUL and 22/05607/LBC). The DPEA reporter's assessment (appeal reference, LBA-230-2251) is a relevant material consideration in the assessment of the current proposals. It should be noted the reporter did not take issue with the proposed side extension against the listed building or its impact on the conservation area. Instead, the issue related to the interior proportions of principal rooms being disrupted by the width of the openings to the new extension, subdivision of bedrooms with en-suites, subdivisions interfering with fireplaces and the degree of intervention to historic floor plans.

Historic Environment Scotland (HES) were consulted on the proposals. They advise that the changes in this application represents a more sympathetic alteration of the listed building's internal layout that better protects its character and appearance. The proposed internal alterations work more with the villa's surviving floorplan, retaining the proportions of rooms which remain intact. The proposals also protect more of the hall's plan form on the ground floor. In addition, the retention of surviving fireplaces and cornicing is welcomed.

In terms of internal connection to the new side extension (kitchen and corridor), the proposals include timber panelled double doors and a single timber panel door. This will allow the historic proportion of the rooms to be preserved on the first and second floor.

A condition is required to make it clear that historic timber-panelled doors should be retained and reused. If required, they shall be retrofitted with intumescent strips and/or paint. This is to preserve the special interests of the listed building.

HES 'Managing Change Extensions' guidance acknowledges that it is difficult to set hard and fast ground rules for extending listed buildings as much of it depends on the site, the landscape, the scale, and form of the listed building and of the extension proposed.

A basic principle, however, is that an extension should play a subordinate role and avoids creating an unbalanced design. It also acknowledges that some substantial contemporary additions can be made to listed buildings where they can either have a differential or assertive contrast.

The principal elevation of the main building is symmetrical in appearance. The size and arrangement of windows on the side elevations are not linear or uniform in appearance. There is an existing single storey side extension on the west elevation of the building. Given the subdivision of the original villa plot to facilitate the residential development to the rear of the site, the original setting of the listed building has been compromised to a degree. This includes the access road that runs through the site, the size and distance of the neighbouring infill development to the rear of the site, and the size of the application plot itself. The development to the rear of the site occupies a large area of hardstanding for residents parking. The application plot has extensive tree cover to the front and to the sides.

The proposed side extension will be set back from the principal elevation of the main building. The flat roof element and the proposed use of vertical standing seam zinc cladding would contrast with the existing building. The ground floor element will be set back by 3 metres where it will largely be screened by an existing wall. The three-storey element will be set back approximately by 13 metres where it will have a depth of 5.5 metres on the west elevation of the existing building. Existing windows will not be affected by the proposed extension. Due to the degree of set back from the principal elevation, simplified treatment finish to the front, and existing tree cover, the proposed extension will not result in an unbalanced composition. While the extension to the front will provide a differential contrast, it will not result in adverse harm to the listed building or to its setting.

The design of the extension to the rear is more assertive with articulated detailing and use of treatment finish to break up its scale and massing. The use of contemporary windows and spandrel panels will provide a lightweight separation between the existing and new. The proposed use of vertical standing seam zinc cladding and dressed buff sandstone block will allow the new addition to read as a contemporary and complementary addition without resulting in adverse harm to the listed building or to its setting.

HES advise that the proposed design of the side extension, with its set-back, is acceptable in terms of form, materiality, scale, and siting.

A condition requiring sample details of all treatment finish to be provided is required. This is to consider this matter in more detail and to ensure that the materials are appropriate for its context.

As a category B listed villa, the site is of historic interest. The City's Archaeology recommends that a basic archaeological historic recording of the building is undertaken prior to development to provide a permanent record of the building and its Victorian interior decoration. A condition is applied to that effect.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural or historic interest of the listed building and is acceptable with regards 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 Merchiston and Greenhill character appraisal advises that by the early 20th century, the spatial layout of the area was well established. The character of the street layout is dominated by Victorian villas, interspersed with substantial two, two and half and three storey terraces of outstanding quality. In the Churchill area there are significant contrasting changes of density and built form. Buildings are complemented by a profusion of mature trees, hedges, extensive garden settings, stone boundary walls with gatepiers, metal railings, a variety of gates/fences and spacious roads. The villas incorporate a considerable variety and blend of architectural styles, unified with the use of local building materials, with grey sandstone and slated roofs.

The character appraisal also acknowledges that a number of sites within the conservation area have been redeveloped with modern block of flats. In some instances, their bulk and siting sharply contrast with the more elegant setting and fine urban grain that is prevalent in the area.

Due to the degree of set back from the principal elevation and existing tree cover, the location of the proposed extension will have limited impact on the appearance of the conservation area. In terms of character, the application site is an example of where subdivision of the original plot and redevelopment of flats to the rear of the site contrasts sharply with the urban grain of the area. However, as there is an existing side extension, the principle of redevelopment is compatible with that character. The proposed scale, form and design will not undermine the character or the appearance of the conservation area. The proposed treatment finish will allow the extension to read as a modern and complementary addition without having a detrimental impact on the conservation area. The proposal will result in conservation gains by allowing a vacant building to be adapted and brought back into use.

The location and design of the proposed refuse and cycle store will not result in adverse harm to the character or the appearance of the conservation area. The use of timber cladding for the cycle storage is acceptable.

The proposal includes replacement tree planting to off-set loss to amenity. The trees within the site will continue to contribute positively to the conservation area.

Conclusion in relation to the conservation area

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

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

A signed petition with twenty-three names was received in support of the application.

A summary of the representations is provided below:

material considerations

- The proposal is sympathetic to the building and conservation area - Addressed in Section A

non-material considerations

- Facilitate a redundant building to provide much needed accommodation - not applicable to the assessment criteria of this application.

Conclusion in relation to other matters considered

The other matters have been identified and addressed. There are no outstanding material matters to resolve.

Overall conclusion

The proposals have special regard to the desirability of preserving the building and its setting and will not adversely impact on its special architectural and historic interest. The proposals will preserve the character and appearance of the conservation area. It is acceptable with regards to Section 14 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. No works shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, analysis and reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Notwithstanding the approved drawings, sample/s of the proposed dressed buff sandstone block/cladding for the side extension and samples of the proposed local stone boundary wall shall be submitted to and approved in writing by the Planning Authority before work commences on site. The samples should detail the stone type, colour and size.
3. Notwithstanding the approved drawings, the historic timber-panelled doors shall be retained and reused. If required, they shall be retrofitted with intumescent strips and/or paint.

Reasons

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To preserve the special interests of the 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: 15 May 2023

Drawing Numbers/Scheme

01-09, 10A, 11-14, 15A, 16-24.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No objections.

DATE:

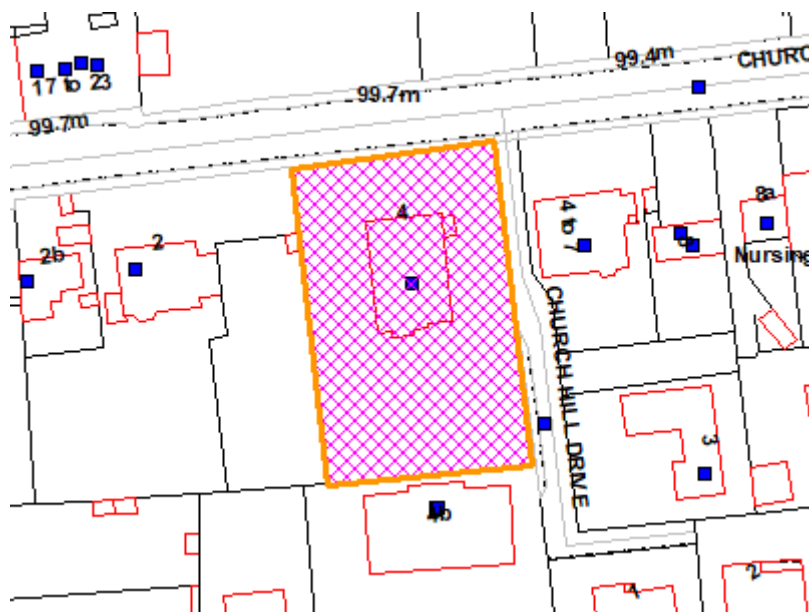
NAME: Archaeology

COMMENT: No objections, subject to programme of archaeological works.

DATE: 22 May 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

Land 35 metres northwest of Dreghorn Loan, Edinburgh.

Proposal: Erection of dwelling house.

Item – Committee Decision

Application Number – 22/00235/FUL

Ward – B08 - Colinton/Fairmilehead

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due the significance in terms of the wider public interest following amendments to the scheme of delegation.

Recommendation

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

Summary

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan (LDP). An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site.

The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site sits within land belonging to the dwellinghouse at 63 Dreghorn Loan, also known as Laverockdale Cottage. This site extends to 0.34 hectares. Thirty-three trees are identified within, or adjacent to, the site, though previous tree removals and development within the site has left areas of bare earth. The site is dominated by rough grass.

The application site and the surrounding area has undergone significant change over the last decade following the consent of a 75 dwelling housing estate to the south of the site and the construction of a new road to the east. Significant areas of residential development are also located to the north and west of the site. To the east, beyond the newly constructed road an area of extensive woodland remains. The City Bypass is to the south of the site as is the Pentland Hills Regional Park.

The application site is situated within the Colinton Conservation Area. A number of Listed Buildings are located to the south, west and east of the site. This is addressed below.

Description of the Proposal

The proposal is for the construction of a detached house with one and two storey elements. The proposed plans show six bedrooms, and the dwelling will have a footprint of approximately 403 square metres. Proposed materials include the use red roofing tiles, timber soffits and fascias, white wet dash render, stone cills and alu-clad timber windows. Proposed velux windows are 'conservation style'. Proposed plans show garden ground covering an approximate area of 1304 square metres.

Access is to be taken from a newly formed driveway to the north-east of the site. The proposed driveway is to be formed from porous paviours. A three bay garage is proposed for car and bike parking, The proposal includes the removal of 12 trees in total, nine of which have been identified as dead, dying, or diseased. 14 trees are to be replanted.

Revised Scheme

The scheme was revised to reduce the extent of hardstanding, to show the use of porous paviours and to include the planting of a further two trees on site bringing the total to 14 from the original 12 proposed.

Supporting Information

- Tree Survey and Tree Protection Plan
- Surface Water Management Plan
- Sunpath Diagrams
- Plot Ratio and Privacy Diagrams

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

Relevant Site History

No relevant site history.

Other Relevant Site History

Site History

20.11.2020 - Case ongoing - Alleged unauthorised tree removal (case reference: 20/00717/EOPDEV).

30.09.2020 - Application Pending Consideration - Proposed erection of two dwelling houses at land adjacent to 63 Dreghorn Loan (application reference 20/04164/FUL).

11.08.2020 - Decision not to make a Tree Preservation Order - Early mature. 9 metres height. Holly TPO 2060. Large stem wounds. Low vigour and a sparse crown. - Removal, Elm TPO 2051 Dead tree. 25 centimetres diameter. Removal, Beech TPO 2065 One-sided crown only (crown to the east). Beech Bark Disease. – Removal (application reference: 20/02606/TCO).

30.08.2019 - Case closed - Alleged unauthorised creation of access and tree works (case reference: 19/00644/EOPDEV).

30.04.2018 - Decision not to make a Tree Preservation Order - Oak 2068 - Diseased Tree - to be removed, Oak 2067 - Growth on one side only - requires removal, Oak 2049 - Diseased Tree - to be removed, Oak 2066 - Tree to be de-crowned, Oak 2065 - Diseased tree - to be removed (application reference 18/00086/TPO).

29.01.2018 - Planning permission granted - Restoration of Listed Cottage with contemporary extension linked to main building with new vehicular access and landscaping works (17/01250/FUL).

24.05.2017 - Listed building consent granted - Restoration of Listed Cottage with contemporary extension linked to main building with new vehicular access and landscaping works (17/01260/LBC).

Adjacent Sites

26.10.2015 - Planning permission granted - Erection of dwellinghouse, access and landscaping (application reference 15/02192/FUL).

09.09.2014 - Planning permission granted - Erect new entrance feature to side entrance (application reference: 14/02828/FUL).

13.05.2014 - Planning permission varied - Minor variation to application ref; 13/02928/AMC. Proposed Partial Re-alignment of Access Road (application reference: 13/02928/VARY).

06.12.2013 - Planning permission granted - Residential development (including affordable housing provision) and associated open space tree planting, access road, enhancement of existing pedestrian routes and all ancillary (application reference: 13/02928/AMC).

01.05.2013 - Planning permission granted - Residential development (including affordable housing provision) and associated open space tree planting, access road, enhancement of existing pedestrian routes and all ancillary (application reference: 12/03823/AMC).

01.09.2011 - Appeal allowed - Residential development (including affordable housing provision) and associated open space, tree planting, access road, enhancement of existing pedestrian routes and all ancillary works (appeal reference: PPA-230-2041).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

Transport Planning

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 February 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 February 2022

Site Notices Date(s): 1 February 2022

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: Setting

The site formed part of the larger Polofields development located on the edge of the medieval Dreghorn Estate and military barracks since the early 20th century. The site is bounded to the south by the listed Laverockdale Cottage and lies adjacent to the A Listed Laverockdale House (LB49562, listed 14 July 1966).

The A Listed Laverockdale House, 66-68 Dreghorn Loan, also forms part of a B Listed grouping that includes 60 Dreghorn Loan. Both are situated to the west of the application site and are separated from it by a public footpath and existing clusters of trees. Trees in the south-west corner and northern tip of the application site are to be retained and two further trees are to be planted to strengthen this buffer. Given the degree of physical separation between the proposed application and the listed buildings and the significant level of buffering provided by existing trees, the proposal will have no impact on the setting of these buildings. HES was consulted on the application, due to the potential impact on the setting of an A Listed building. HES did not object to the proposed development.

The C Listed Laverockdale Cottage is located to the south of the proposed development. Laverockdale Cottage is separated from the proposed development site by a cluster of trees and existing vegetation. A tree survey provided by the applicant shows that nine trees within this cluster are either dead or in terminal decline with a life expectancy of less than 10 years. The application includes the replanting of trees within this cluster, protecting the visual amenity of this part of the site and ensuring a strong buffer remains in place between the listed building and the proposed new build house.

The application site currently serves as garden ground for Laverockdale Cottage. However, an assessment of plot ratios shows that the cottage will retain approximately 1481 square metres of amenity garden space. This is still one of the largest gardens in the immediate area. The proposed house will make use of materials such as red roofing tiles, timber soffits and fascias, white wet dash render and stone cills reflect materials used throughout the immediate area. The height of the proposed dwelling is limited to 1.5 storeys to the south, on the boundary closest to the listed building, this will allow effective screening of the proposed dwelling. The taller two storey element of the proposed dwelling is located further to the north of the site, ensuring a sufficient set back from the listed building.

The proposed development has been designed to respond to Laverockdale cottage and will have no impact on its setting given the physical separation between the buildings, the retention of a green buffer and the use of complementary, traditional materials. The City Archaeologist was consulted on a previous application on this site which proposed the construction of 2 detached, 2.5 storey houses. It was noted by the City Archaeologist that given previous development in the surrounding area associated with the Polofield development to the south, and the introduction of modern landscaping, that the proposed development of this site would be unlikely to have a significant archaeological impact nor significantly impact upon the setting of the listed cottage. Given this previous response, CEC Archaeology did not comment further on this application. Given the damage to the existing site which is dominated by bare earth and rough grass and the poor condition of a number of the existing trees, the introduction of new tree planting and an improvement to landscaping across the site will improve the general setting of Laverockdale Cottage.

Finally, the B Listed 61 Dreghorn Loan is located to the north-east of the site (reference: LB28660, designated December 19, 1979). There is a clear separation between the proposed development and the listed building with trees and a road between them. The design of the proposed development is in keeping with the wider area in terms of both materials and spatially. The proposed development will not impact the setting of 61 Dreghorn Loan.

Conclusion in relation to the listed building

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of 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 application site is situated within the Colinton Conservation Area. The site is identified within the 'Rural Zone' of the Conservation Area and is adjacent to the 'Suburban Zone'. The Character appraisal notes the importance of gorge, woodland, watercourses, and fields that are incorporated in the Dell, Dreghorn Woods, the Water of Leith, and Spylaw Park. Prominent views to the Pentland Hills, across open fields are also identified, with path systems providing riverside access. The Suburban Zone is characterised by a higher density of buildings in smaller gardens of similar appearance and regular layout with rural features present.

There is a wide range of architectural styles and ages of buildings in this part of the conservation area. The immediate area surrounding the application site is characterised by low density development, with 1- 2.5 storey buildings set within relatively large areas of garden ground separated by existing trees. To the north, west and south of the site, the density of development significantly increases. To the south of the site the area is characterised by detached and semi detached residential houses associated with the development of the former polofields site. To the north and west, the area is further characterised by higher density suburban development on Redford Avenue, Redford Drive, Bonaly Terrace and Bonaly Avenue.

The applicant has undertaken an analysis of buildings surrounding the application site which shows that existing properties take up between nine and 32 percent of their plots. The proposed development will take up 23.6 percent of the plot, demonstrating it is in keeping with the existing spatial character. The proposed use of red roofing tiles, timber soffits and fascias, white wet dash render and stone cills reflects materials used throughout the immediate area. The use of alu-clad timber windows also offers a high quality finish. A condition has been applied to ensure that the specifications of the proposed materials are appropriate. The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area.

The existing site is damaged and several trees on site are now dead or in terminal decline. The site is dominated by rough grass and areas of bare earth. The contribution of the site to the visual amenity of the conservation area as a whole and the immediate area in general is limited. The replanting of 14 trees across the boundary of the site will strengthen the green edge along Dreghorn Loan, contributing positively to the conservation area, enhancing the appearance of the site and maintaining the existing spatial character.

The Colinton Conservation Area Character Appraisal also identifies the importance of views of the Pentland Hills, particularly those provided across a number of open fields. In this instance, to the north of the site, views of the Pentland Hills to the south-west are extensively screened by existing trees, particularly when they are in leaf.

Panoramic views to the south, particularly from Laverockdale Cottage will remain unaffected. A number of public comments have identified the negative impact the loss of tree coverage has caused to the site and the conservation area. The replanting of 14 trees along the boundary will extensively screen views to the south-west, but in general will restore the appearance of the boundary, improving the appearance and character of the conservation area. The additional trees will provide extensive screening for the proposed development and on balance it is considered a new house in this location does not conflict with any of the key elements identified within the Colinton Conservation Area Character Appraisal.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan?

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

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 6, 7, 12 and 13
- NPF4 Liveable Place Policies 14, 15, 16, 18 and 22
- LDP Design policies Des 1, Des 3, Des 4, and Des 5
- LDP Environment policies Env 12 and Env 18
- LDP Housing policies Hou 1, Hou 3 and Hou 4
- LDP Transport policies Tra 2, and Tra 3

Principle

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations.

The application site is identified within the Urban Area in the Adopted Edinburgh Local Development Plan (LPD). Policy Hou 1 (Housing Development) of the LDP states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan. Compliance with the Development Plan is assessed below.

Historic Environment

NPF4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. This policy only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

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

Open Space

LDP Policy Env 18 (Open Space Protection) criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. The application site has been damaged from previous work and is dominated by rough grass. Public comments on the application note the damaging impact of previous tree removals. The proposal will see the planting of 14 trees, replacing dead, dying and damaged trees, resulting in an overall net gain of total trees on site. The proposal will strengthen the green edge on the north and northeast boundary, significantly improving the appearance of the site. The proposal will see active management of the garden ground, again improving the site. The design and spatial characteristics of the proposed dwelling have been considered in detail above. The design and layout of the proposed development is in keeping with the wider area and will make a positive contribution. The proposal complies with criterion a).

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over-provision in the area. Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The application site has been separated from woodland to the east following the introduction of a new road to serve the housing estate to the south and its connection to the south is becoming fragmented due to previous removals and the death and poor condition of remaining trees. The proposed replanting of trees will strengthen the connection with trees to the south and ensure tree coverage of the site into the future. This will improve the habitat value of the site.

Although part of the site is designated as open space in the LDP, this seems to be linked with the previous designation of the area to the south as open space. The area to the south of the application site was previously an area of open grassland. However, planning permission in principle for the residential development of the area was granted on appeal in 2011 (case reference PPA-230-2041). The area has significantly changed in the interim. The current application site formed the northern entrance to the housing development to the south. The area of land in question is in private ownership, with no public access, it is currently an area of vacant land, with a driveway serving 63 Dreghorn Loan. Areas of open space are identified adjacent to the site with land to the south and the woodland to the east covering an area of approximately 439,808 square metres. The application site would account for 0.68% of this total and the development footprint of the proposal would cover 0.15% of this total. The area is also within a 10 minute walk of the Pentland Hills Regional Park, which stretches for approximately 20 miles. The construction of a house on this area of land will have no impact on public access to open space as the area of land is private garden ground and not accessible to the public. The proposal complies with criteria b) and c).

Criterion d) states that a loss of open space will only be supported where there is a benefit to allowing the development, including improvement to existing open space and criterion e) states that the development should be for a public purpose and the benefit outweighs the loss. In considering these criteria, it is important to recognise that the existing site serves no community purpose beyond its general visual contribution to the area. The site is private land with no public access. The replanting of trees on the site will improve the site and community benefit will be derived from the general improvement in the appearance of the site and therefore the improved contribution it will make to the area.

The proposal broadly complies with LDP Policy Env 18 (Open Space Protection).

Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss. NPF4 policy 6 (Forestry, woodland, and trees) sets out that development proposals that enhance, expand and improve woodland and tree cover will be supported.

A Tree Survey was commissioned by the applicant and identified 33 trees either within or adjacent to the application site. These trees are mainly concentrated within three distinct groups in the south-east corner of the site, the south-west corner, and the northern tip of the site. The trees in question comprise a range of species, age, and condition. Birch, holly, sycamore, and oak predominate and taken collectively these four species account for 76% of the trees identified.

Twenty-two of the 33 trees identified within the tree survey are identified as having a retention class of either U or C. A retention class of U indicates trees are unsuitable for retention and class C indicates a tree of inferior quality, displaying signs of serious health issues with a limited life expectancy and limited landscape value. Consequently, trees of this nature should not be viewed as a significant constraint to development.

The proposal includes the removal of 12 trees, focused in the south-east corner. Nine of the trees proposed for removal are category U trees that are dead or dying with significant defects or advanced disease. In all cases the life expectancy of the tree is less than 10 years. Three category C trees are proposed for removal to facilitate the development of the new house. These trees have been assessed as having a limited safe future life expectancy. CEC Arboricultural officers have visited the site and have indicated that the tree survey provided by the applicant is a robust document that accurately reflects the current state of the site. CEC Arboricultural officers have not objected to the loss of the category C trees as long as suitable replanting is agreed.

In this instance the applicant proposes the replanting of 14 trees, comprising a mix of oak, beech, field maple and silver birch. This will replace the nine dead or dying trees and the three category C trees proposed for removal and represents a net gain of trees on the site. Replanting will be focused in the south-east corner, but also covers gaps at the boundary of the whole site. New trees will be planted at 'standard' girths to provide immediate visual impact.

Given the generally poor condition of a number of the trees on site, the replacement of dead trees with new native trees will represent a significant gain in terms of biodiversity for the site itself and visual amenity of the wider area, as well as going some way to ensuring the long term future of tree coverage on the site.

The Council's arboriculturalist has identified that the soil on the site is significantly damaged and compacted, most likely due to the previous formation of an entrance path and driveway into the site to serve the existing Laverockdale Cottage. A condition has been included to ensure that any tree which dies on site within 5 years of completion must be replaced. Prior to initiation of development, it is recommended that a full landscape plan is provided to the Planning Authority and all landscaping and proposed planting must be in place prior to first occupation of the proposed dwelling.

In terms of tree retention, important tree clusters in the south-west corner and northern tip of the site are to be retained, this includes all category B trees and the one category A tree. The proposed development does not fall within the root protection area of any tree shown as retained. The tree survey provided by the applicant recommends the creation of a fenced tree protection area prior to any work commencing, in line with guidelines set out within British Standard 5837:2012. CEC Arboriculturalists have raised no concern regarding this recommendation. A condition is included requiring that prior to initiation that all protective fencing recommended in the tree survey submitted in June 2022 is installed.

Public comments have raised concern about the previous removal of trees, expressing concern that trees have been removed without consent and that previous applications for tree works may have misidentified trees and their condition.

The removal of four trees was consented through application 18/00086/TPO on the basis that the trees were dead or had a serious defect. CEC arboriculture officers have advised that the trees in question would have likely been directly impacted by the construction of a path through the site, consented as part of application 17/01250/FUL, which did not include any tree protection measures. This application did incorrectly identify all trees in question as oak trees when a previous tree survey which covers the site indicates that the trees were a mix of oak, beech and sycamore. However, the site was visited by a CEC arboriculturalist and the removal of four trees was consented. No replacement planting was requested as the removal of the trees as identified was not considered to raise amenity concerns in the context of the significant change in the site underway through previous consents.

Consent was also granted for the removal of a further three trees through application 20/02606/TCO and although the owner indicated they intended to plant replacement trees; CEC tree officers have indicated they cannot compel them to do so. Both CEC Enforcement and CEC arboriculturalists have reviewed previous consents and tree surveys and both departments have concluded that one tree, an oak tree tagged as tree 2066 has been removed without consent but that all other trees removed from the site did have consent.

In terms of enforcement action, it would only be possible to seek the replanting of one tree on site. Although the current applicant is not the owner of the site and was not involved in the removal of any trees, they have indicated they are willing to undertake replanting as part of this planning application.

The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. The replacement of dead trees will secure the long-term future of tree coverage of the site. The 14 proposed trees represents an overall net gain of two trees for the site and will offset the loss of the one tree removed without previous consent.

With consideration of the above, the proposal complies with NPF4 Policy 6 (Forestry, woodland, and trees) and LDP Policy ENV 12 (Trees).

Special Landscape Area

The southern part of the application site falls within the Pentlands Special Landscape Area, designated within the LDP. NPF4 Policy 4 (Natural Places) part d) states that development within designated landscape areas in the LDP will only be supported where development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified. A Statement of Importance was prepared in relation to Special Landscape Areas across the Council area in 2010. In the case of the Pentlands designation, this does not account for changes to the area surrounding the application site associated with the consent of a housing estate through application 10/00697/PPP and subsequent AMC applications.

The section identifying important landscape characteristics makes limited reference to the northern section of the SLA in which the application site is situated. The Statement of Importance does reference a 'notable wedge of plantation, parkland and woodland extending into the urban area at Dreghorn'. It references the importance of views of the Pentland Hills and cultural, geological, and recreational value of the wider SLA. The Statement of Importance also identifies enhancement opportunity in the form of woodland regeneration at Dreghorn.

The proposed dwelling will not impact views of the Pentland Hills. Although the application site does not form part of Dreghorn Woods, it will increase tree coverage of the site, strengthening tree coverage in the area. This area of the SLA is residential in character and significantly differs from other parts of the SLA in terms of character. The proposed residential development is in keeping with this part of the SLA. The proposed development will not impact any cultural assets or any recreational use associated with the Pentlands SLA. The overall increase in tree coverage on site and the improvement in its appearance will benefit the SLA.

The proposal complies with NPF4 Policy 4 in this regard.

Biodiversity

NPF4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. NPF4 Policy 4 (Natural Places) seeks to protect, restore, and enhance natural assets making best use of nature-based solutions.

A small proportion of the southern part of the site is identified within the Redford Brae and Laverock Dale Local Biodiversity Site (LBS) and the Braid Burn Complex LBS. As noted above, this designation most likely reflects the status of surrounding land before it was developed for housing after 2013. Consultation has been undertaken with CEC Biodiversity, Landscape and Arboricultural Officers who have noted that the existing

application site has been damaged from previous clearing and construction and is dominated by areas of rough grass and damaged soil. Twenty-two of the 33 trees in or around the site have a retention Class of U (meaning they are dead or dying) or C indicating a limited life span and landscape value.

Given the limited amount of the site identified within the LBS and the poor condition of the site, it now has limited ecological value. Consequently, the focus has been on mitigation of further damage to the site and exploration of potential improvement. In this instance the proposal will retain all category B trees and the one Category A tree situated within clusters in the south-west and northern corners of the site. The replanting of 14 trees to the south-east of the site and across the boundary will improve appearance and ecological value of the area, as will improvements to the landscaping.

The proposal complies with NPF4 Policy 3 (Biodiversity) and Policy 4 (Natural Places).

Design

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

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area. LDP Policy Hou 4 (Housing Density) sets out requirements for proposals to have regard to the characteristics of the surrounding area, creating an attractive residential environment and safeguarding living conditions.

NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods) supports development that contributes to local living. Policy 16 (Quality Homes) Also supports development of small scale residential development within established settlement boundaries.

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

The application site is situated in an established residential area and is surrounded on all sides by existing dwellings, including a housing estate to the south and higher density housing to the north-east and west. Local shops and services are present in Colinton Village, a ten minute walk from the application site, meaning there is potential to access amenities by foot or on bike. A supermarket is situated at Colinton Mains Drive, which is an approximate 20 minute walk from the site. Though this distance is further than may be anticipated within a city centre site, the application site is within an established settlement, and this is comparable with neighbours. This is consistent with the principles of local living.

As set out in more detail above, the appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The size of the property in relation to the plot is also consistent with the existing spatial character of the area.

The proposal is consistent with NPF4 Policy 14, Policy 15 and Policy 16. The proposal is consistent with LDP Policy Des 1, Des 3, Des 4 and Hou 4.

Climate mitigation

NPF4 Policy 2 a) (climate mitigation and adaption) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF 4 Policy 12 (Zero Waste) states that development proposals should seek to reduce, reuse, or recycle materials in line with the waste hierarchy.

The proposed new house has been designed using a 'Fabric First' approach to maximise energy efficiency. The building envelope will comprise a highly insulated timber frame inner leaf, with a blockwork external leaf to take the roughcast finish. The timber frame will be fitted out with airtightness membranes and taped and sealed junctions to ensure maximum airtightness and minimise heat loss.

All doors and windows will be triple glazed with an alu-clad maintenance free finish and windows have been positioned to maximise solar gain. Roof voids will be heavily insulated, and construction details will use accredited design details to reduce / avoid thermal bridging. The utilisation of a 'Fabric First' approach reduces the demand on energy consumption over the lifetime of the building.

Space for bins is identified on the site layout plan. The applicant will need to contact the Council's Waste and Cleaning Service to arrange a waste strategy.

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

Although the application does not relate to a brownfield site, it does relate to vacant, damaged garden ground. The proposal will significantly enhance green infrastructure across the site, improving the habitat value and visual appearance of the site. This will increase the positive contribution it makes to the surrounding area.

The proposal complies with NPF4 Policy 2 (Climate Mitigation and Adaptation), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste).

Amenity

With respect to privacy, overlooking, physical impact, overshadowing and loss of daylight or sunlight, the proposals have been assessed against requirements set out in

The window to window distance from the proposed development and 61 Dreghorn Loan is 37 metres. Likewise, the distance to 70 Dreghorn Loan is approximately 37 metres. 33 metres separates the proposed development and 68 Dreghorn Loan and there would be approximately 24 metres between the development and 60 Dreghorn Loan to the west. Given the significant distance between the proposed development and the significant tree coverage on all boundaries, which will be further strengthened by additional planting, there is no concern with regards to potential overlooking and no loss of neighbouring privacy. No windows serving habitable rooms are located on the south elevation of the proposed dwelling and there is therefore no potential loss of privacy for 63 Dreghorn Loan.

At these distances the proposal would also comply with the 25 degree daylight criterion outlined in guidance, meaning there will be no loss of daylight to neighbouring windows. The applicant has provided privacy and overshadowing diagrams showing that any overshadowing from the proposed development is limited to the garden ground of the development site and will therefore not impact neighbouring properties. The proposal will not result in any unreasonable loss to neighbouring amenity.

In terms of amenity for future occupiers, the proposed development will exceed the 91 square metres minimum floorspace requirement, recommended for residential development of this nature, set out in Edinburgh Design Guidance. The proposed layout shows habitable rooms are well served by windows and will have adequate levels of daylight. Future residents will have access to approximately 1300 square metres of private greenspace. Sunpath diagrams shows that the garden ground will receive direct sunlight to at least 50 percent of its area for more than two hours a day during the spring equinox. This complies with recommendations set out in guidance.

The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal complies with LDP Policies Des 5 and Hou 3.

Flooding

The application site is not identified within a flood risk area in relation to river or surface water flooding. The applicant has provided a Surface Water Management Plan in support of this application. CEC Flooding has reviewed the Surface Water Management Plan and has indicated that this is acceptable, and that the proposal can proceed to determination. The proposal will not increase the risk of surface water flooding.

The proposal complies with NPF Policy 22 (Flood Risk and Water Management).

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) cover matters related to parking provision. NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities.

Transport Planning note there are two car parking spaces on site at present serving 63 Dreghorn Loan, and that the same level of car parking would be acceptable for this development. The proposal includes a triple bay garage. A statement provided by the applicant's agent has noted that the applicant does not own three cars and that the garage will serve not only as a car parking space but also to store bikes, equipment needed for the maintenance of garden ground covering 1300 square metres, children's buggies and other equipment associated with a growing family. There is no on-street parking available adjacent to the house due to the design and layout of the road and the area is served by one bus route. A number of double garages are present in the area and there are examples of comparable driveways in the surrounding area. CEC Transport Planning was consulted on the scheme and offered no objection, though the potential to park cars in exceedance of the Parking Standards was noted.

Local shops and services are present in Colinton Village, a ten minute walk from the application site, meaning there is potential to access amenities by foot or on bike. A supermarket is situated at Colinton Mains Drive, which is an approximate 20 minute walk from the site. Though this distance is further than may be anticipated within a city centre site, the application site is within an established settlement, and this is comparable with neighbours.

The proposal complies with NPF4 Policy 13 and LDP Policy Tra 3. An infringement of LDP Policy Tra 2 is acceptable in this case.

Infrastructure

The application site is located within the Allermuir Healthcare Contribution Zone. A contribution of £526.26 per new dwelling is required to support the expansion of the medical practice at Craighouse. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

Subjection to conclusion of a suitable legal agreement to secure required healthcare contributions, the proposal complies with LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) and NPF4 Policy 18 (Infrastructure First).

Conclusion in relation to the Development Plan

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan. An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site. The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

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 11 representations were received, all objecting to the proposed development.

A summary of the representations is provided below:

material considerations

- Impact on Conservation Area; this is addressed in section b).
- illegal removal of trees/loss of trees; this is addressed in section c).
- Impact on listed buildings; this is addressed in section a).
- Loss of privacy; this is addressed in section c).
- Overshadowing; this is addressed in section c).
- Impact on Special Landscape Area; this is addressed in section c).
- Impact on Local Biodiversity Site; this is addressed in section c).
- Height; this is addressed in section c).
- Road safety and parking; this is addressed in section c).
- Impact on views; this is addressed in section c).

non-material considerations

- Land ownership; this is not a planning matter.
- Precedent for adjacent woodlands; each application is assessed on its own merit.
- Light pollution; this is not a material planning consideration.

Conclusion in relation to identified material considerations.

There are no material considerations which indicate the proposal should be refused.

Overall conclusion

The proposal will not have a negative impact on the setting of listed buildings. The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The proposal broadly complies with the policy requirements of NPF4 and the Edinburgh Local Development Plan (LDP). An infringement of LDP Policy Tra 2 is acceptable in this instance.

The appearance of the proposed property in terms of both size and materials is reflective of surrounding properties and will make a positive contribution to the conservation area. The replanting of 14 trees will be a significant gain for the site itself, as well as the visual amenity of the wider area. Proposed planting will improve the habitat value of the site. The proposal will not have a negative impact on the Special Landscape Area or Local Biodiversity Sites. The proposal will not result in a loss of neighbouring amenity. Future occupiers will have an acceptable level of amenity. The proposal will not increase the risk of surface water flooding or impact flood risk. The proposal makes provision for cycle parking. A healthcare contribution will be required, and it is recommended this should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.

There are no material planning 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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. All proposed work must be carried out in line with the tree protection plan set out in the tree survey accompanying this application, dated June 2022.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments, tree removal, replacement tree planting and all other planting, shall be submitted to and approved in writing by the Planning Authority

before work is commenced on site.

5. Any trees or plants within the application site which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to the original, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
6. The approved landscaping scheme shall be fully implemented prior to first occupation of the development.

Reasons :-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To safeguard trees.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. The application site is located within the Allermuir Healthcare Contribution Zone. contribution of £526.26 per new dwelling is required to support the expansion of the medical practice at Craighouse. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. The applicant should contact the City Council's Waste and Cleaning Service to arrange a waste strategy and then a minimum of 12 weeks prior to any waste collections being required and prior to the occupation of the development.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 January 2022

Drawing Numbers/Scheme

01, 02A, 03A, 04-08

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning

COMMENT: No objection. The proposal can proceed to determination.

DATE: 15 May 2023

NAME: Transport Planning

COMMENT: No objections,

Cycle parking can be accommodated within garage. Measure to limit potential excess parking such as the introduction of planters to the courtyard would be recommended.

DATE: 31 March 2023

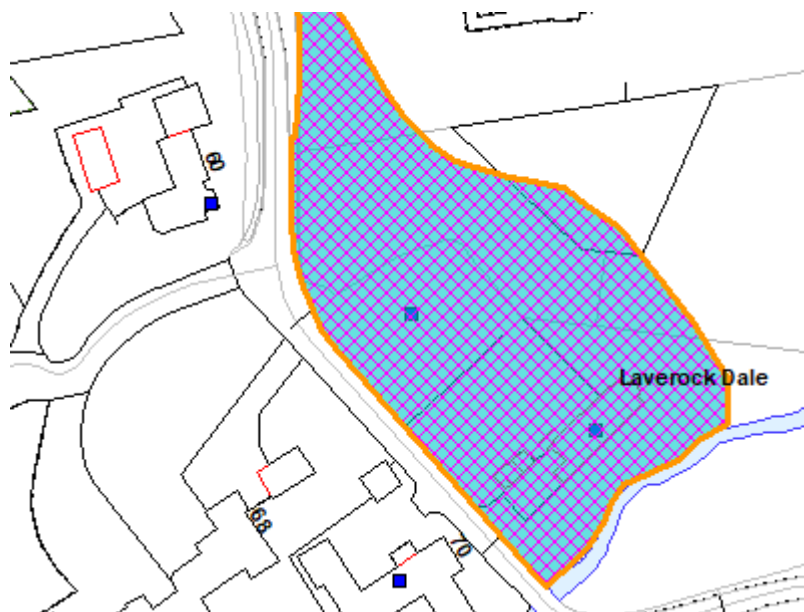
NAME: Historic Environment Scotland

COMMENT: No comment to make.

DATE: 7 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 25 October 2023

**Application for Planning Permission
Christmas Market, George Street, Edinburgh.**

Proposal: Erection of ice rink including viewing /seating areas, market traders and Christmas stalls, vintage family attractions, offices, toilets, ancillary storage, and generators.

**Item – Committee Decision
Application Number – 23/04144/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of surrounding listed buildings for the temporary period of time of the development. However, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise principally because of the city centre location where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the vibrancy of the city and is well placed for public transport.

On balance, these benefits are a considerable material consideration and outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings. They provide reasoned justification for granting planning permission for this proposal. With reference to the abovementioned Act, the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan.

The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located on the public road of George Street, on the two sections running between Charlotte Square and Frederick Street, as well as the northern section of Castle Street. The application site lies within a dense urban area, surrounded by 4-5 storey buildings on each boundary.

Category A listed Statue of Dr Thomas Chalmers (LB27847) is located within the centre of the site. Furthermore, the following Category A listed buildings, structures and monuments are within close proximity to the application site:

- 33-39 Charlotte Square and 142-146 George Street (LB28506);
- 124 George Street (LB28856);
- 115 George Street (LB28854);
- 117 to 121 George Street (LB28855);
- 40-46 Charlotte Square and 143 George Street (LB28507);
- 112 George Street (LB28883);
- Statue of Dr Chalmers (LB27847);
- 97-105 (Odd Nos) George Street, Bank of Scotland (LB28850).

The site is also located within the following significant designations:

- Old and New Towns of Edinburgh World Heritage Site;
- Historic Garden and Designed Landscape: New Town Gardens;
- New Town Conservation Area.

Description of the Proposal

The application is for temporary planning permission for one year for the use of the adopted public road at George Street and Castle Street to erect a covered ice rink on the western part of George Street, two funfair attractions to the western end of George Street, two seating areas and market stands. Permission is sought for a one year period, with the proposed timescale as follows:

- Set up: 30 October - 17 November 2023;
- Operational: 18 November 2023 - 6 January 2024;
- Take down: 7 January - 19 January 2024.

The attractions would be in operation daily from 1000 - 2200.

The proposals within George Street and Castle Street include the following:

- Ice rink
- Market stalls
- Two fairground rides
- Ancillary site office stores and facilities
- Outdoor seating and associated facilities.

Waste collection is to be managed by a certified sub-contractor, collected daily. Separate waste facilities are to be made available for members of the visiting public and stallholders.

Servicing would take place during loading times (0700-0930) with delivery vehicles being walked in and out, with banksmen to ensure cycle safety.

This proposal forms part of a suite of four applications for a Christmas Festival across the city centre. The three remaining applications are located at West Princes Street Gardens, East Princes Street Gardens and St Andrew Square.

Relevant Site History

22/04920/FUL

Christmas Market

George Street

Edinburgh

Erection of ice rink including viewing /seating; sculpture; star flyer; bar and covered seating area; 5 food trader stalls; offices; first aid area and toilets; ancillary storage and generator. Pedestrian walkway retained to southern edge of site. Temporary Period (5 Years).

Granted

10 November 2022

21/04950/FUL

Christmas Market

George Street

Edinburgh

Erection of Edinburgh's Christmas at George Street including an ice rink, Christmas market stalls associated site offices, stores and ancillary facilities (Proposed Application for one year 2021 - 2022 & variation on granted planning permission ref 20/03708/FUL).

Granted

15 November 2021

20/03708/FUL

Christmas Market

George Street

Edinburgh

Erection of Edinburgh's Christmas at George Street and Castle Street, including Christmas Market Stalls, Ice Rink, Plant and Boot Room, Around the Corner Bar, Box Office, Associated Site Offices, Stores and Ancillary Facilities (amended application for festive period 2021- 2022).

Granted

13 November 2020

Other Relevant Site History

This application is part of a wider proposal including 23/04199/FUL, 23/04142/FUL and 23/04143/FUL.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Edinburgh World Heritage

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

Number of Contributors: 4

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: Setting

Listed Building and Setting

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

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

The proposal includes two fairground rides that would be located immediately adjacent to many listed buildings including those that are category A listed. The covered ice rink and associated attractions are to be placed on George Street between a collection of A-listed structures. The scale, positioning, form, and design of the temporary structures would have a detrimental impact on the setting of the A-listed buildings.

Owing to the size, scale, form, and design of the proposal, it would also impact on the setting of the additional neighbouring listed buildings in the wider vicinity. However, the impact on them would not be reduced due to these buildings being located further away from the proposal.

Previous iterations of the Christmas market, which have included an ice rink and similar attractions, have operated in this location over the festive season and become characteristic of the setting. The proposal is for a temporary period of a known duration and therefore the impact on the setting of these neighbouring listed buildings would be short term.

Dividing the event into four separate locations in the city has diminished the concentrated scale of the proposals. The impact on a single environment has been reduced from previous years and consequently the impact on the heritage assets is not as profound.

Given that there would be harm to the setting of listed buildings, consideration is required to be given to whether there are significant material considerations that justify the development in this location; and if so, does this outweigh any adverse impacts.

It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise because of its location within the city centre, where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and improve the vibrancy of the city centre. It is likely to draw people to the city centre who might not otherwise go there and therefore there will be economic benefit to surrounding businesses.

On balance, these benefits, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the setting of listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Conclusion in relation to the listed building

The proposal would have a minor temporary adverse impact on the setting of the surrounding listed buildings and their setting. As the proposal is temporary and the development is non-permanent it is therefore acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Conservation Area

The scale of the proposed temporary development is considerably smaller than past Christmas markets that operated solely within East Princes Street Gardens. More recently the development has been divided between three locations which has seen the effect of development being mitigated. This has seen the size and form of the development within an individual site reduce through dividing the market across locations.

Between the reduction in scale and form and the temporary nature of the development, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal would have a minor temporary adverse impact on the character and appearance of the New Town Conservation Area. As this effect is minor and temporary it is therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Place Policies 4 and 7
- LDP Delivering the LDP policies Del 2;
- LDP Design policies Des 1, Des 4 and Des 5; and
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration.

Listed Buildings

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

Conservation Area

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area, allowing it to comply with NPF4 Policy 7.

World Heritage Site

NPF4 states that "development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved".

Edinburgh World Heritage stated that whilst the impact is temporary in nature, the proposals would constitute notable harm to the OUV of the World Heritage Site and they therefore cannot support the application.

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into four separate events across the city, the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other three proposals by the applicant and other known developments in the city centre, owing to its size, form, and temporary nature the cumulative impact on the character and appearance of the OUV of the World Heritage Site is not considered significant.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7.

Alternative Locations

As the proposal is for a Christmas Festival within Edinburgh it is appropriate that it is located in the city centre. Given its proximity to bus routes, bus station, tram and train, there are few locations with better connectivity. Other locations in the city centre, given the large number of listed buildings throughout the city centre, are likely to give rise to similar impacts on other listed buildings. Therefore, the benefits realised by the market can only realistically be delivered at its proposed location at George Street.

Use

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

The Edinburgh Local Development Plan (LDP) supports a mix of uses appropriate to the location of the site, its accessibility characteristics, and the character of the surrounding area. Development which lies within the City Centre will be supported which retains and enhances its character, attractiveness, vitality, and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would be a temporary change to the normal use of this part of George Street and Castle Street for a limited duration of time only. The temporary use of George Street for Christmas markets and public events is long standing and established. The Christmas market and attractions have become a familiar presence within the city centre during the festive season.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7. The proposal would not prevent the continued existing use of the public access to George Street and Castle Street. The proposal will help the city centre fulfil its role as a capital city. Given that the proposed Christmas attractions are temporary, they do not conflict with the key principles of Policy Del 2.

Amenity

A site and plant compound are proposed on the western most section of the application site, including a site office, generator and first aid centre. This is in close proximity to 35-39 Charlotte Square (The Roxburghe Hotel). To mitigate noise nuisance from the plant it should be made a condition of a grant of planning permission that the exact positioning of the plant and generators on the site and the acoustic containment of the plant is such that an acoustic attenuation of NR35 is achieved within the guest bedrooms of the hotel between 23:00 hours and 07:00 hours with the windows closed.

Due to the nature of the proposal and its location, there will be amplified music and a large number of people attending, including in the evening. As the site is situated within the city centre it is acceptable as it promotes a diverse use in a way that promotes vitality and engagement with the City Centre. The Council's Environmental Protection Section have advised previously that if any complaints about noise were received, they would address this directly with the event organiser.

The applicant has confirmed that a private waste collection service, will be in place for the development. Waste will be collected daily, at pre-arranged times as agreed with City Edinburgh Council. Waste will be streamed on site into waste, mixed recycling and glass.

It is considered that the proposal complies with LDP Policy Des 5.

Transport

To facilitate the proposal the western part of George Street would have to be closed to both eastbound and westbound traffic. The temporary closure of the road does not raise any transportation concerns. A permit to close the road would be required from the Council in advance. The proposal does not raise any road safety concerns.

Cyclists will be diverted around the north of the attractions as alternative cycle route to ensure cyclists are able to continue using this route.

The site is exceptionally well placed for public transport and is within an area where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

Pedestrian Access

Whilst the proposal would reduce the available area for pedestrians' access within the centre of George Street and Castle Street for a temporary period, the ice rink and associated facilities would become a focal point and bring additional vibrancy to this area of public realm.

The existing pavement to the north and south of George Street will see no development with no restrictions to pedestrian flow.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The application received four public contributions, one in support and three objections. A summary of these comments are set out below:

material considerations

- The proposal harms the amenity of immediate businesses with noise. The impact of noise has been discussed within section 'B' of the report.

non-material considerations

- Businesses require vehicle access to the front on building on George Street due to refurbishment.
- Not enough information submitted to make informed decision on proposal.
- Safety concerns on entering businesses in the evening.

Conclusion in relation to identified material considerations.

The proposal fully addresses the material considerations as set out above.

Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan.

The development will have a minor temporary effect on the surrounding listed buildings and conservation area. The ice rink and associated stalls will bring an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre.

On balance, these benefits outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the National Planning Framework 4 and Edinburgh Local Development Plan.

The proposal, subject to the conditions stated, is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Planning permission is hereby granted for the proposal for the period between the 30 October 2023 - 19 January 2024.
2. The temporary ice rink, associated rides and kiosks approved shall only be operational between the hours of 10am and 10pm on the dates specified in Condition 1.
3. The temporary buildings, attractions, installations, structures and plant hereby approved shall be removed from the site in their entirety by no later than 19 January 2024.
4. Prior to commencement of development, the applicant must provide a boundary strategy to ensure public safety in and around the site. At least 3 days written notice shall be given to the Planning Authority of the date of development.

5. Notwithstanding the location of the George Street ice rink plant and generators, the positioning of them on the site and the acoustic containment/enclosures installed/erected around them shall achieve an acoustic attenuation of NR35 within the neighbouring hotel at 35-39 Charlotte Square or any residential property between 22:00 hours and 07:00 hours. The noise measurements shall be taken within any affected hotel bedroom/ residential bedroom with the windows closed.

Reasons

1. In recognition of the temporary nature of the proposal.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In recognition of the temporary nature of the proposal.
4. In the interests of public safety.
5. In the interest of protecting neighbouring amenity.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 12 September 2023

Drawing Numbers/Scheme

1 - 8

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comments

DATE: 26 September 2023

NAME: Edinburgh World Heritage

COMMENT: Due to the impact of the proposal on OUV the proposals cannot be supported.

DATE:

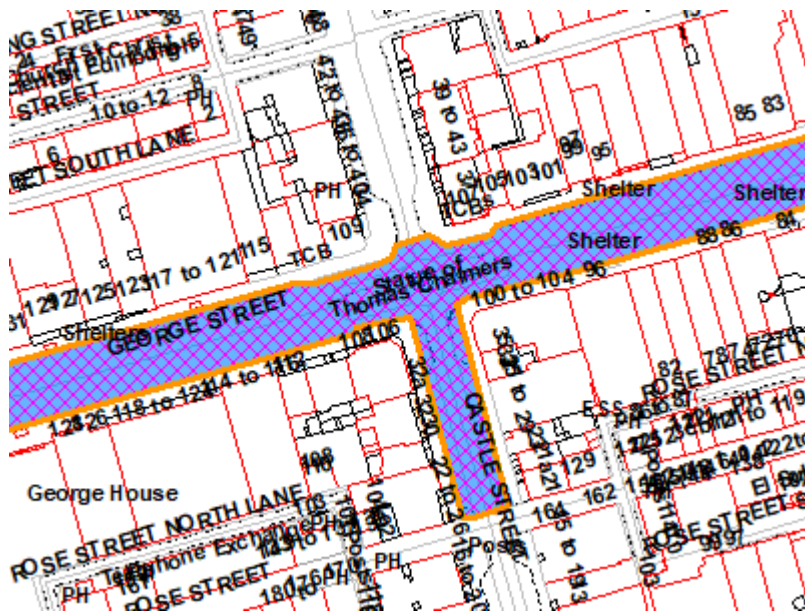
NAME: Transport Planning

COMMENT: No Objection

DATE: 10 October 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 25 October 2023

Application for Planning Permission

Land 70 meters east of 14 Glennie Road, Newcraighall, Musselburgh.

Proposal: Residential development comprising a mix of private and affordable homes numbering 220 units and associated infrastructure including landscaping, amenity, green space, parking, and drainage (as amended).

Item – Delegated Decision

Application Number – 23/01743/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

The application is being referred to the Development Management Sub-Committee because 1 letter of comment and 27 letters of objection to the proposals have been received. Consequently, under the Council's scheme of delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian.

Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would indicate otherwise.

SECTION A – Application Background

Site Description

The 6.74-hectare greenfield site is mainly flat agricultural land with remnants of a stone wall and a slope towards the south of the site. There are a number of bushes and some more mature trees at the north and east boundaries. The site has overhead powerlines parallel, in a north-west to south-east direction, and near to the western boundary with Glennie Road. The site is overlooked by the residential properties along Glennie Road.

The site has a small frontage to Newcraighall Road, although the stone railway buttress is outwith the application site. To the east are some bushes and trees near to the boundary embankment of an old railway line, and then the East Coast Main Railway Line. To the south-east is Musselburgh Railway Station and to the South is Queen Margaret University (QMU) Campus, all of which lie within the East Lothian Council area. The site is secluded and not easily visible from Newcraighall Road to the north nor the existing housing and industrial estate to the east as it is partially screened by the old railway embankment. The site is open to the west where the housing constructed as the earlier phase of HSG27 has been built.

Queen Margaret University Campus buildings are near the southern boundary of the site. Newcraighall Railway Station and Fort Kinnaird Retail Park are also within the vicinity of the site.

The site is within the LDP allocated housing site HSG 27 Newcraighall East. LDP Cycle Footway Safeguard T7: Fort Kinnaird to Queen Margaret University runs under the overhead power lines north west to south through the site. Cycleway and potential Public Transport Safeguard: Newcraighall to QMUC has been created to the west of the site. The Local Nature Conservation site and open space lies along the disused railway network to the north and north east of the site.

Description of the Proposal

Scheme 2

Full planning permission is sought for 220 residential units with vehicle, pedestrian and cycle accesses, SUDS, a 2.27-hectare linear park including 3322 square metres of allotments and ancillary infrastructure. The net site areas are 4.57 hectares with the total being 6.74 hectares including the proposed linear park under the overhead powerlines. The SUDS area is included within the site area but is within East Lothian Council area and subject to a planning application to that Council.

Accommodation

The accommodation is split over a mix of five, four and part five storey blocks of flats, six, three storey townhouse terraces and nine, three storey colony terraces including ground floor flats and duplexes. There would be 74% affordable housing and 26% private housing.

There are 163 (74%) affordable housing units comprising:

- 21 three bedroom ground floor garden flats
- 42 two bedroom duplex flats;
- 36 two bedroom flats;
- 28 three bedroom flats;
- 12 one bedroom flats; and
- 24 four bedroom townhouses.

The affordable housing would be a mix of over 70% social rented and around 23% mid-market rented accommodation.

There are also 57 (26%) private units comprising:

- 8 three bedroom ground floor garden flats;
- 16 two bedroom duplex flats;
- 9 two bedroom flats;
- 7 three bedroom flats;
- 3 one bedroom flats; and
- 14 four bedroom townhouses.

Materials

The materials proposed include dark grey concrete roof tiles, dark grey rainwater goods and Juliet balcony, and UPVC windows. The brickwork is a mix of buff brickwork mainly for the townhouses and colonies and dark blue/grey mix with the buff for the proposed flats.

The boundary types include 1.2 m high brick walls adjacent to the public realm, 1.2m timber fences between the gardens of dwellings, and a 0.9 m post and rail fence between the gardens in the colony flats.

Active Travel

There will be a 4 metre combine foot and cycle path from Newcraighall Road through the linear park to the south boundary and Queen Margaret University campus with a branch east creating an active travel route from the site to Musselburgh Railway Station which will cross the East Lothian Council area. There would also be a number of connections westwards from this path to link up with the adjacent street layout. Connections will also be provided to the established footpath network, including NCR1 and NCR76, and core path CEC 5 'Innocent Railway'.

The proposed access infrastructure would include:

- vehicle access will be at the staggered traffic signal controlled junction to Newcraighall Road along with the access to Benhar Road.
- pedestrian crossing infrastructure over the A6095 Newcraighall Road to allow safer access to the existing bus stops on both sides of the road.

- cycling crossing infrastructure (3.2m wide toucan style crossing) to link up the recently constructed Balfour Park 'Shared Use' path with NCR 1.
- Provide cycling crossing infrastructure (3.2m wide toucan style crossing) across Benhar Road for NCR 1.
- Provide more gaps in the traffic at the Maingait Medway / A6095 Newcraighall Road junction to assist vehicles seeking to exit the side road during busy periods.

The cycle parking plan shows that the colony flats and the townhouses would each have their own cycle store for four bikes per dwelling. The four storey flats would have 46 spaces in the ground floor of each flatted block which would include 11 double storey stands with 22 spaces (48%) and eight Sheffield stands with 16 spaces (35%) and four specialist cycle stands with eight spaces for non-standard bikes (17%).

Car Parking is for 137 spaces (62%) including 11 disabled parking spaces and 24 electric vehicle charging spaces.

Landscaping and Open space

The proposals include the creation of a 2.17 hectare linear park from Newcraighall Road to the southern boundary of the site including public spaces, seating, hard and soft landscaping areas, a play park, and 3322 square metre of allotments under the overhead power lines. There would be a large south facing public space including seating.

A swale would run along the eastern boundary of the linear park. The rear parking courts would be a permeable surface for rainwater. The proposed SUDS and flood attenuation zone is sited within East Lothian Council area and an application has been submitted to East Lothian Council (application number 23/00685/P) alongside this application.

Each townhouse has its own front and rear garden. All colony flats have their own gardens. The flatted blocks have 3m private gardens for the ground floor as well as communal space for all residents with seating and landscaping include hedges delineating the boundary.

Biodiversity

An additional 2.8 ha will be dedicated to habitat creation, comprising both shared and private spaces, such as amenity grassland, meadows, mixed shrubs, allotments and tree planting. The existing hedging on the south boundary (0.13km in length) will be retained. Additional hedging (0.75 km) will be created within the site.

The proposed typography will require groundworks to provide a more gentle slope and step free ramp access to dwellings. Bat and bird boxes are to be provided on all private units.

Scheme 1

The proposals have been revised to improve the sustainability of the site layout, avoid mine entries, reduce car parking and hard standing, reorientate buildings, and reduce the height of the proposed flats. The park layout improved in terms of connectivity and biodiversity. There was previously a 800 sq.m floorspace commercial building included however its location resulted in an objection from Scottish Power Energy Network. This has been removed in the revised scheme.

Supporting Information:

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

- Air Quality assessment;
- Amenity, daylight and sunlight analysis;
- Arboricultural Survey;
- Commercial Odour Statement;
- Community Benefit Statement;
- Design and Access Statement;
- Drainage Strategy and Flood Risk Assessment;
- Noise Impact Assessment;
- PAC report:
- Coal Mining Risk Assessment;
- Planning statement;
- Planting schedule and maintenance;
- Sustainability Statement Form;
- Street lighting illumination and Glare Statement;
- Sustainability and Energy Statement and
- Transport Assessment.

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

Relevant Site History

22/06227/PAN
Land 70 Meters East Of 14
Glennie Road
Newcraighall
Musselburgh

The development will comprise a mix of houses and flatted blocks numbering approximately 220 units and will accommodate a mix of one, two and three bedroom flats, two and three bedroom colony flats, and three, four and five bedroom townhouses, all with associated amenity, parking, green space, bicycle storage and refuge stores. The development may include retail / commercial space.

Pre-application Consultation approved.

23 December 2022

10/03506/PPP
Land 263 Metres South Of
104 Newcraighall Road
Edinburgh

Planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision

Granted

7 September 2015

15/04112/AMC

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Residential development comprising 176 No. dwellings and associated infrastructure including the discharge of condition No. 4 of PPIP Consent ref. 10/03506/PPP (as amended).

Approved

16 March 2016

16/02696/FUL

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Erection of 37 Dwelling Houses.

Granted

6 January 2020

19/04910/FUL

Land 263 Metres South Of 104

Newcraighall Road

Edinburgh

Erection of 29 No. residential dwellings including all roads drainage and infrastructure works (as amended)

Granted

18 March 2021

Other Relevant Site History

No other relevant planning site history

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

The Coal Authority

Network Rail

Environmental Protection

Nature Scot

Archaeology

Affordable Housing

Parks and Greenspace

Communities and Families

Scottish Water

Scottish Power Energy Network

Waste Services

Flood Prevention

Flood Prevention

Network Rail

Scottish Power Energy Network

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

Publicity and Public Engagement

Date of Neighbour Notification: 6 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 28

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 downgraded by equivalent or alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Climate and Nature Crises Policies 1, 2, 3, 4, 5, 9, 12, and 13;
- NPF4 Liveable Places Policies 14, 15, 16, 18, 20, 22, 23; and
- NPF4 Productive Places Policy 28;
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Environment Policies Env 8, Env 9, Env 12, Env 16, Env 20, Env 21 and Env 22;
- LDP Housing Policies Hou1, Hou 2, Hou 3, Hou 4, Hou 6, and Hou 10;
- LDP Transport Policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9: and
- LDP Delivery Policy Del 1.

The Newcraighall and Brunstane Site Brief development principles forms part of the LDP. The LDP Action Programme 2023 sets out how the Council proposes to implement the LDP. The relevant planning guidance includes the finalised guidance on Developer Contributions and Infrastructure Delivery 2018 and the Edinburgh Design Guidance 2020 which is relevant in the consideration of several LDP housing, design and transport policies and other environment policies listed above.

Principle

NPF4 Policy 16a, supports development proposals on allocated LDP housing sites. NPF4 policy 9b also supports greenfield sites if explicitly supported by policies in the LDP. The application site, under LDP Policy Hou 1, is part of the allocated housing site HSG 27 in the LDP (2016) with an indicative site capacity of 275-383 units. Planning permission was previously granted in September 2015 for residential development and ancillary infrastructure for a total of 176 units within the site (application number 10/03506/PPP and 15/04112/AMC).

This has been completed as has two further residential developments, one for 37 units (application number 16/02696/FUL) and one for 29 units (application number 19/04910/FUL) - taking the total number of units to 242 for the western part of the HSG27 site.

This application is for 220 residential units which would take the total within HSG 27 to 462 units. One of the limiting factors was that a single access was envisioned to Newcraighall Road which limited the capacity of the site. This proposal includes a new separate access to Newcraighall Road, so this limiting factor is removed.

The principle of residential use on the site is acceptable provided that the proposals comply with other development plan policies.

Climate Mitigation and Adaption

NPF4 Policy 1 is an overarching policy which gives significant weight to the global climate and nature crises. This proposal for residential development on an allocated housing site reflects the plan-led approach of NPF4. The proposals will provide sustainable, high quality and mostly affordable housing in an accessible location close to active travel and public transport links as well as local facilities and services. In line with NPF4 Policy 2, the relative high density of the proposal contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' using an allocated housing site for sustainable energy-efficient housing within an existing community.

A Sustainability and Energy Statement was submitted. The buildings would meet the energy efficient standards with LED lighting efficiencies, air source heat pumps and solar PV arrays with battery storage on the residential roofs.

In terms of water conservation, swales have been incorporated into the linear park and a SUDS system has been incorporated into the open space.

Refuse and recycling facilities have been provided to the communal flats, and to the gardens of all plots, to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF4 policy 12.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing on an accessible urban location. 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.

Biodiversity and trees

NPF4 policy 3 requires that proposals for development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 policy 4(d) requires that the proposals would not have a significant adverse effect on identified local nature conservation sites in the LDP. The site is adjacent to the Local Nature Reserve and therefore LDP policies Env 15 and Env 16 both apply. The ecological assessment submitted did not find any evidence of species protected under European or UK law. Landscaping is proposed along the boundary with the Local Nature Reserve which would help to mitigate any impact.

Within the development and the creation of the two hectare linear park which would overall enhance biodiversity. Hazel, rowan, and hawthorn individual shrubs would be provided as well as a shrub/grass mix of hawthorn, cherry, holly, willow, hazel, spindle, viburnum and roses. Herbaceous planting would also be included as well as amenity grass, meadow and native grass swathes and allotments.

The biodiversity enhancements include:

- The installation of bird and bat boxes on private dwellings;
- The plantation of native and species rich hedgerows, wildflower meadows, scrubs and fruit trees to provide resources for insects and birds and ensure habitat connectivity;
- The use of wildlife friendly lighting to reduce the light disturbance for the local wildlife, including bats; and
- The installation of a pond to provide an important resource for wildlife.

An Arboricultural Survey has been submitted as the site includes 13 individual trees mainly at the woodland edges of the site to the north and south. All trees are young and in good condition. Four trees are due to be removed in order to create the access into the site. The removal of these existing trees would be offset with the planting of street trees including acers, oaks, and birch tree resulting in an overall increase in numbers and species proposed. In terms of policy Env 12 trees, the loss of the young trees at the entrance is not considered an woodland worthy of retention and is acceptable. The trees along the southern boundary have been incorporated into the rear gardens of the townhouses. A condition can be attached to ensure that the remaining existing trees are protected during construction.

Therefore, it is considered that the proposal is acceptable under NPF4 policy 3 and LDP policies Env 15 and Env 16 and would result in a significant increase in biodiversity and nature value of the site.

Local Living and 20-minute neighbourhoods

In line with NPF4 Policy 15, the site is an allocated housing site within the urban area. Within a 10 minute walk there is a school, open space and play parks, bus stops as well as railway station and a number of active travel connections. Within a 20 minute walk is the Fort Kinnaird Retail Park, Newhailes Estate and Newhailes Industrial Estate as well as Queen Margaret University.

There are a number of active travel links proposed linking to Musselburgh Railway Station to the south east, to Queen Margaret University Campus to the south as well as several links across the open space to the existing housing to the east and, with the new proposed access infrastructure, to Newcraighall and the north. The proposals also include a substantial two hectare linear park open space including children's play area and a range of affordable and accessible housing options which is further detailed below. Overall the proposal complies 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 LDP Newcraighall Site Brief development principles set out that the layout should create:

- pedestrian and cycleway connections through the site;
- a new green corridor should be created along the course of the overhead powerlines which have a street frontage from the new development;
- There is the opportunity to include retail/commercial units as part of the street frontage to Newcraighall Road;
- New wood land along the site south boundary and
- Finalised site layout capacity informed by adequate flood risk assessment.

The proposed layout encompasses these site brief development principles and is consistent with the six qualities of successful places.

The proposals are healthy: in accordance with the brief, active travel routes connect the site to the north, south, east and west with overlooking providing natural surveillance. The two hectare linear park with play area and series of public spaces and allotments promotes healthy living and provides the green corridor detailed in the brief.

The proposals are pleasant: a street frontage is created to the Linear Park as required by the brief. The layout has been designed to minimise the presence of the overhead power lines for residents. The height of the proposed buildings and their scale and proportions, along with similar materials and detailing also help with its positive impact on its surroundings.

The site is connected: there is only one vehicle access to the site but a number of active travel routes. Active travel routes have natural surveillance and provide connections to the north, east, south and west of the site. Parking has been substantially reduced and is mainly limited to parking court areas.

The site is distinctive - the housing types include colonies, a traditional Edinburgh housing type allowing for ground floor 3 bedroom units all on one level with gardens. The linear park provides a distinctive destination within the site for new and existing nearby residents in a public open space. The site is not readily visible in city views only in local views where the new residential development will be seen alongside the proposed linear park.

The site is sustainable as it is within the urban area and with active travel and public transport routes to local centres and the city. The proposals include at least 32% of the site to be open space including a linear park, enhancing its biodiversity value and acceptable in terms of Policy Env 20 which requires appropriate open space and improvements to the green network to be integrated into new proposals. Facilities for refuse and recycling waste are also included for every property.

The site is adaptable - the maintenance of the public space is secured by factor and a maintenance schedule agreed. All properties except upper colony flats and upper flats can be front accessed without steps to ensure that they would be suitable as whole life dwellings. There are no other steps or ramps across the site.

Policy Des 9 (Urban Edge Development) focuses on the quality of the urban edge at the edge of the City. The site is not visible in long range views, only local views from the west and south. The east boundary would include the SUDS area and landscaping proposed. The proposal includes rear gardens with landscaping up until the boundary with QMU. Given that this could become a well-used route to the immediately adjacent university campus in future, it was considered that providing natural surveillance of this route was a priority, rather than an extensive woodland as previously envisaged by the brief. Together the east and south boundary treatments would provide a defensible boundary whilst still integrating with the neighbouring sites.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-9 as well as the in overall compliance with the Newcraighall and Brunstane Site Briefs - Development Principles.

Quality Homes

NPF4 Policy 16 sets out to encourage the delivery of more high quality, affordable and sustainable homes across different tenures to meet the diversion housing needs of people. LDP Policies Hou1-4 and Hou 6 also focus on the mix, green space, density and affordable housing of proposals.

In line with NPF4 Policy 16b, a Community Benefit statement has been submitted which highlights the affordable housing provision proposed and the opportunities for healthy living and biodiversity enhancement through the creation of the linear park which would improve the amenity of the area.

Affordable housing

The proposal is for 74% affordable housing (163 units), well in excess of the 25% affordable housing requirement of LDP Policy 16e and LDP Hou 6. The affordable housing contains a mix of one bedroom, two bedroom, three bedroom flats, three bedroom garden flats, two bedroom accessible flats and four bedroom houses. This mix is representative of the housing mix on site.

The proposed tenure is over 70% for social rent and the remainder for mid market rent. The homes will be constructed by the applicant and the transferred to Hillcrest Housing Association.

All proposed units meet the Edinburgh Design Guidance in terms of internal space standards. All the townhouses, colony flats and ground floor flats have private gardens. The communal space for the flatted blocks is above 10 sq. m. per flat. Over 32% of the site area is useable green space. This complies with LDP policy Hou 3.

LDP Policy Hou 4 requires an appropriate density reflecting the surrounding area characteristics, creating an attractive residential environment, and supporting local facilities. The proposed density is 62 dwellings per hectare which makes efficient use of this greenfield site with the higher density flats nearer Newcraighall Road.

The existing development on HSG 27 is 28 dwellings per hectare and overall, this would result in 38 dwellings per hectare which is considered acceptable.

Housing Types

The proposed colonies are an Edinburgh housing type that sets up a high density in a low scaled building form which is adaptable and gives a double frontage providing more opportunities for natural surveillance. Townhouses allow each property to have their own curtilage and private gardens to the front and rear.

The proposed flats are part four-part five storey. Four storey flats have recently been approved at New Brunstane (application 22/03946/AMC) to the north. It is considered that this proposed height is acceptable within its context and given the flats are situated along the eastern boundary of the site.

The elevation design of the flats has evolved. The part four storey with part fifth storey has a long mono-pitched roof which would incorporate solar PV panels. The elevation design now has more glazing and less void with a mix of brick types to add interest.

This housing mix and green space provided is acceptable, and density is compatible with the surrounding area and in line with Policies 16 (c) and Hou 2, Hou 3, Hou 4 and Hou 6.

Residential Amenity

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.

Amenity for Existing Occupiers

The nearest existing residential properties are those to the West at Glennie Road, which are around 80m away from the proposed residential properties. These properties would front onto the linear park and then the new street frontage created. Therefore, given the sizeable distance between them, they would be no resulting loss of daylight, sunlight or privacy from the proposals for neighbouring occupiers.

Amenity for New Occupiers

The EDG sets out how to ensure adequate daylight is provided to new development. Scheme 2 re-orientated the majority of the units to assist with enhanced daylight and sunlight. Outlook and privacy has been maintained with buildings facing onto each other or back to back having a minimum of 18m apart to reduce overlooking and maintain privacy.

Most of the units are dual aspect and benefit from full height windows and Juliet balconies to both living and sleeping accommodation, sized to ensure that sufficient levels of daylight are provided internally.

The applicant has further assessed the daylight levels for the worstcase scenario, the single aspect north facing flats ground floor flats. The external glazing makes up more than 25% and undertaking the no sky line methodology, direct skylight would penetrate at least half way into the rooms and therefore these dwellings would receive adequate daylight in line with the Edinburgh Design Guidance.

Sunlight analysis was submitted in support of this application which uses the EDG methodology requiring half the new garden space being capable of more than 2 hours sunlight on spring equinox - 21 March. For the north-south colony blocks, there are a twelve north-facing gardens which do not reach the threshold. Whilst one townhouses garden does not reach this threshold, it has the benefit of both front and rear gardens and at front garden does reach this threshold. Given that the colony gardens would be overlooked by occupants of both properties as well as neighbours and given the amount of useable open space being created on site and within 50m of the colony flats, this infringement of the EDG is considered minor and acceptable.

The linear park is orientated North West to South East and would receive ample sunlight during the spring equinox, creating a public space that could be used all year round.

Noise

A noise impact assessment has been submitted due to road traffic noise, railway noise, as well as noise from the overhead powerlines. The assessment used criteria within BS8233 and the WHO guidelines and found that noise levels would comply with guidance provided that a glazing specification is used, and alternative ventilation solutions provided to allow air flow changes within rooms. This could be secured by condition.

The exact specification of the air source heat pumps is not known at this stage. These could potentially result in additional or new noise impacts from the proposals for the occupiers. Therefore, it is considered reasonable that a condition is attached, requiring a review of the Noise Impact Assessment if any new or additional noise sources are introduced.

Waste Services

A Waste Strategy has been agreed. A condition can be attached to ensure that this is implemented prior to occupation of the proposed development.

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 landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

There are overhead powerlines traversing the site from northwest to south through the line of the linear park. Scottish Power Energy Network has objected to scheme 1. Scottish Power requested the removal of the commercial units as they protruded into their 'no build zone'. The revised scheme 2 no longer includes the commercial units. Therefore Scottish Power has withdrawn its objection to the proposals.

Network Rail has been consulted and previously were concerned about the risk of trespassing on the railway. Network Rail has no objection to the revised plans subject to a condition requiring a trespass proof fence. This information has also been shared with East Lothian Council as part of the site is within their area too.

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

An air quality assessment has been undertaken based on scheme one which determined that the overall significance of the operational phase road traffic emission impacts would be slight. To address this, the applicant has substantially reduced the car parking from 236 spaces (over 100%) in scheme one to 137 spaces (62%) in scheme two including 24 EVC spaces. Three city car club spaces, cycle parking infrastructure and the creation of a new active travel link to Musselburgh Railway Station are also proposed as mitigation. It is therefore expected that the substantial reduction in car parking spaces will also reduce the overall impacts on air quality. The development would also have increased insulation and air tightness and utilisation of air source heat pumps and PV for spatial and water heating with no gas proposed as an energy source. A Construction Environmental Management Plan will be prepared and implemented to reduce dust and other impacts during construction. Therefore the proposal complies with NPF4 Policy 23 and LDP Policy Env 22.

Contaminated Land

The site has potential to be affected by localised sources of contamination and ground gas from historical mining legacy. A Phase 1 Desk Study and preliminary risk assessment has been submitted with a Phase 2 intrusive site investigations proposed, the scope of which is acceptable at this stage, to enable further planning and design of a suitable site investigation. Therefore a condition is attached to secure a site survey and implementation of remedial works if required.

Mining

A Phase 1 Desk Study and Coal Mining Risk assessment have been submitted which has been assessed by The Coal Authority. The Coal Authority require intrusive site investigation works to be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site which can be secured by condition.

Soils

The land is greenfield and SuDS which was previously farmland. It is identified in the LDP as an allocated housing site within the urban area. Around 32% of the site area will still be public open space with enhanced landscaping. It is considered that given the proposals are compatible with the LDP strategy and enhance biodiversity it is in line with NPF4 policy 5.

Archaeology

LDP policies Env 8 and Env9 relate to the importance of archaeological remains. The site is likely to contain a wealth of archaeology associated with the areas mining past and dating back to prehistory. It is essential that archaeological mitigation strategy is undertaken prior to development including phased programme of archaeological investigation which can be secured by condition. As well as an overall programme of work, a programme of public engagement should also be undertaken which is included as part of the archaeology condition. This complies with policies Env 8 and Env 9.

Blue/Green Infrastructure

NPF4 policies 20 (Blue and green infrastructure) and 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals integrate blue/green infrastructure and do not increase the risk of surface water flooding to others or itself be at risk. CEC Flood Prevention has assessed the surface water management strategy and drainage information submitted and has no objection to the proposals. It is noted that the proposed Suds pond is situated in East Lothian Council area and is the subject of a separate but related planning application (23/000685/P). Therefore, as this infrastructure is essential to the development of the proposed residential development it is considered necessary to ensure by condition that this related application (or a subsequent application for SUDS proposals) is approved prior to the occupation of any unit.

Sustainable Transport

NPF4 Policy 13: Sustainable Transport requires development proposals to demonstrate that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies. This is detailed further in LDP policies Tra 1 - 4, and Tra 8 - 9. A Transport Assessment has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The assessment states that the site is well located in terms of existing and future walking routes and local amenities, schools and public transport services. It also states that the proposed development will not have a detrimental impact on operational capacity or road safety of the surrounding network.

In terms of NPF4 Policy 13(b) The proposals include a multi-user path from Newcraighall Road to the boundary with Queen Margaret University and comply with LDP Transport Safeguard T7. There is also a multi-user path link being created from the site to Musselburgh Railway Station nearby which will allow easy access to the city centre. There are connections west linking up with the street layout nearby. The proposed access infrastructure would improve the crossing of Newcraighall Road for pedestrians and cyclists too.

Cycle parking is in line with Council guidance. The townhouses, and colony flats all have private gardens to store bicycles. The provision in the flats is 46 spaces in the ground floor of each block and set out as 22 double tier spaces, (48%) and 16 Sheffield Stands spaces (35%) and 8 specialist cycle stands spaces for non-standard bikes (17%).

Bus services currently serve the site along Newcraighall Road, however the LDP public transport link T6 has already been completed which can in future allow buses to go through the neighbouring site to reach Queen Margaret University.

The car parking proposed is 137 spaces which is 62% parking provision, well below Council maximum standards of 100% car parking provision and less than the recently approved nearby residential developments for example 84% at Brunstane West Field (application 22/03946/AMC). Eleven accessible parking spaces (8%) are provided and 24 electric vehicle charging spaces (1 in 6) are also provided in line with EPG. Three City car club spaces are also to be included in the proposals which can be secured by condition/legal agreement. Parking is mainly in parking courts or on street parking spaces. A Travel Plan is also required by condition to highlight to new occupiers the accessibility of the site in terms of active travel and public transport. Therefore, in terms of Policy Tra 2 (Private Car Parking) the parking level and layout are acceptable.

It is considered that the proposals comply with NPF4 policy 13 and LDP policy Tra 1-4 and further assessment against Tra 8 is considered below.

Infrastructure

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 Tra8 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.

Transport Infrastructure

LDP policy Tra8 requires a transport assessment that assesses the transport impacts, and any proposed mitigation and transport infrastructure as has been submitted with this application. A range of transport infrastructure measures are proposed to mitigate the impact of the development.

The proposed access infrastructure would include:

- A) vehicle access will be at the staggered traffic signal controlled junction to Newcraighall Road along with the access to Benhar Road.
- B) pedestrian crossing infrastructure over the A6095 Newcraighall Road to allow safer access to the existing bus stops on both sides of the road.
- C) cycling crossing infrastructure (3.2m wide toucan style crossing) to link up the recently constructed 'Shared Use' path with NCR 1.
- D Provide cycling crossing infrastructure (3.2m wide toucan style crossing) across Benhar Road for NCR 1.

The proposed signalised junction on Newcraighall Road, in coordination with the works relating to housing site HSG 29 Brunstane, should be operational prior to the occupation of the 30th unit and to include appropriate cycle and pedestrian crossing facilities on Newcraighall Road and Benhar Road (items A-D above).

The Action Programme requires an active travel route TR-SA-HSG27-2 connecting Newcraighall North site and Newcraighall East. With the delivery of the pedestrian and cycling crossing of Newcraighall Road, this link is completed. The proposed active travel link running north-south through the site relates to LDP proposal T7 to connect to Queen Margaret University. The applicant is also providing an eastward link to East Lothian and Musselburgh Railway Station which will be delivered at the same level as the existing crossing, improving accessibility for all without the use of steps or ramps. Together with the westwards into the adjacent Glennie Road development, this essential active travel infrastructure and will be secured through condition or legal agreement as appropriate.

The proposed development should include three car club vehicles and spaces within the area. A contribution to cover the provision of the vehicles and progression of the necessary order would be required.

Education Infrastructure

The Action Programme 2023 set out the latest pupil generation rates to assess the cumulative impact of housing developments across the learning estate. The requirement for additional education infrastructure is assessed on a cumulative basis with other known housing developments. Children and Families undertake a cumulative impact assessment considering latest school roll projections, pupil generation rates and housing output assumptions in the area to determine whether the actions identified in the finalised Supplementary Guidance and Action Programme are sufficient.

To mitigate the cumulative impact of development that would be anticipated if this proposal progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the 'per house' contribution of £40,608 and 'per flat' contribution of £13 422. Therefore, the total infrastructure contribution required would be £3, 583, 896. This is based on the primary infrastructure requirement of £2,107,112 and the secondary infrastructure requirement of £1, 476,784. This contribution can be secured through the legal agreement.

Health Facilities Infrastructure

The site is located within the Brunstane Health Care Contribution Zone as set out in the Finalised Developer Contributions and infrastructure delivery supplementary guidance (2018). This requires a contribution of £60 per dwelling to improvements in health care. This can be secured through legal agreement.

Conclusion in relation to the Development Plan

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian.

Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP.

Material Considerations

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 in relation to the assessment of the proposed development and in the context of representations received from the public. The development plan recognises the need for a variety of housing types to be provided across the city including affordable housing. The assessment set out in section (a) above demonstrates that this site provides an acceptable location in principle for housing as an allocated housing site.

The development has been designed as accessible by active travel and public transport with limited car parking. The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (a) above. No concerns relating to equalities have been raised in this regard. An objection has been received concerning the noise, dust and disruption of the construction of the proposals and impact on the health condition of residents. A Construction Environmental Management Plan has been requested so that dust and disruption to residents are mitigated. This should also set out the hours of operation of construction vehicles on site.

Representations

Materials considerations

A total of 28 letters of representation were received.

Scheme 2:

Objections:

Transport

- Concerns about safe access to site for pedestrian and cyclists and vehicles, dangerous access junction;
- Cumulative impact of proposals on traffic ;
- Public transport needs improved;
- new footpath along top of railway embankment;

Open Space

- Loss of green space, loss of wildlife;

Pollution

- Risk to residents' health;
- Air pollution emissions, traffic noise and pollution will worsen;

Design and Layout

- Height of the proposed flats, overdevelopment, building design out of character;
 - Too close to electricity pylons, no children's play areas;
 - No need for commercial premises - would encourage antisocial behaviour and litter;
 - Destroys character of Newcraighall village, lack of infrastructure and detrimental to residential amenity;

Scheme 1 Representations

General Comment

- Community feedback taken on board.
- Pedestrian crossing required.
- Lack of GP provision and education infrastructure

Objection

Transport

- Need more active travel connections to neighbouring developments and a 4m Musselburgh Railway Station connection, provide toucan crossing from the development across Newcraighall Road and Regrade and reroute NCR1;
- No new cycle and walking paths have been created into and out of the village;
- Active travel policies are not successful and will not reduce traffic volumes and need to separate cycleways from roads;
- Cycle parking inadequate - semi vertical racks inappropriate;
- Transport assessment is based on predict and provide model which is inappropriate under NPF4 policy 13d;
- do not want any access through neighbouring site, poor access to nearby station for all users and cyclists due to narrow pavement at rail bridge;
- Traffic noise would disrupt residents, too much traffic and queues already;
- New access junction not feasible would cause queuing traffic and cause pollution, alternative access should be formed from the south at QMU;
- Car parking spaces does not align with likely car ownership;
- poor bus service to/ from city centre from village;
- difficulty crossing Newcraighall road currently for pedestrians and cyclists;

Principle

- Too many new houses in Newcraighall, including Brunstane the cumulative impact results in erosion of the environment;
- New houses also in East Lothian around Musselburgh, Over development of this area;

Health impact

- Pollution and noise would cause health impacts.
- Both Brunstane and this site would be constructed around the same time causing dust and disruption.
- noise and mud during construction
- Increased air pollution

Air Quality

- Conflict with low emissions zone elsewhere in Edinburgh when Newcraighall would have a high emission zone in the village.
- Poor access to nearby station for all users and cyclists due to narrow pavement at rail bridge

Flooding

- The land floods each year and creates a pond which would be lost.

Design

- Placemaking has not applied to this area, development in appropriate for area.
- Six storey blocks are not suitable - most are three storeys high in the village.
- The elevations of the flats are unattractive, little architectural merit.
- reduce density it is too high.
- No need for a commercial unit and would encourage anti-social behaviour.
- poor design of housing, materials and appearance
- overlooking to properties on Glennie Road

Sustainability

- Energy use would increase dramatically.
- Loss of open space and wildlife
- Loss of green space around the city

Infrastructure

- Need for a secondary school in this area.
- Insufficient health infrastructure in area
- Strain on emergency services
- due to proximity of dwellings to overhead powerlines

Non material

- vehicle access should not be from Glennie Road
- litter during construction
- impact of building work noise causing anxiety and stress to people with disabilities and daysleepers.

Conclusion in relation to identified material considerations.

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

Overall Conclusion

The proposed development is LDP allocated housing site HSG27 where residential development is acceptable in principle. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable and private housing as well as substantial linear park open space and proposed active travel links and infrastructure. The proposals include education and healthcare contributions to mitigate its impact on the locality.

The proposal would create a substantial open space with quality landscaping which would be a biodiversity enhancement. The proposed layout integrates with the existing residential developments and provides an attractive residential environment at this city boundary integrating with the neighbouring development within East Lothian. Therefore, it is considered that the proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which would 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 occupation of any of the dwellings, hereby approved, the requirements and measures as detailed in the Flood Risk Assessment and Drainage Strategy and Drawing No. 43A and accompanying information as set out in planning application 23/00685/P to East Lothian Council (or any other subsequent application relating to this drainage and flooding at this site) shall be implemented in full to the satisfaction of both City of Edinburgh Council and East Lothian Council.
3. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, metal-detecting survey, recording, analysis & reporting, publication and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority

4. (i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. 1. No development shall commence until.
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and.
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented. on site in full to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

 2. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. (a) Prior to the occupation of any of the dwellings, hereby approved, the requirements and noise mitigating measures as detailed in the Noise Impact Assessment by Ellendale Environmental, Ver 1.0, dated the 11 April 2023, requires to be fully implemented to the satisfaction of the Council.

(b) Further to Condition (a) above, if any additional noise sources are introduced onto the site that are not included in the aforementioned NIA (e.g., air source heat pumps), then the NIA must be reviewed to include assessment of those noise sources and submitted for approval prior to the introduction of them.

8. The applicant will be required to implement the proposed signalised junction on Newcraighall Road in coordination with the works relating to the housing site HSG 29 to the north of Newcraighall Road. Signals to be operational prior to the occupation of the 30th unit and to include appropriate cycle and pedestrian crossing facilities on Newcraighall Road and Benhar Road.
9. Prior to the occupation of any unit, the applicant is required to implement in full, the active travel route running north-south through the site and the eastward link to East Lothian and Musselburgh Railway Station.
10. The 24 car parking spaces as shown on drawing number 11B, NEWJMA ZZ00 DR A and dated 28-09-2023 which include electric charging points shall be served by a minimum of four 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
11. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
12. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development. The management plan should set out how if any landscaping plant fails or is removed (dead, dying, damaged, missing/stolen or diseased) then it should be replanted for a period of 5 years thereafter.
13. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed (*Fallopia japonica*), and Giant Hogweed (*Heracleum mantegazzianum*) on site.

The measures shall be carried out strictly in accordance with the approved scheme.

14. Prior to the commencement of works on site, clarification details of the landscaping plans are required including overlay of existing trees that are to remain and tree protection measures. Clarification is also sought between the discrepancies in plans including between the landscape materials plan and the revised car parking plan.

Revised landscaping plans are to be submitted and approved to the Planning Authority.

15. Prior to occupation of the first unit, a detailed layout and specification plan for the allotments and their management shall be submitted to and approved by the Planning Authority. For allotments to be managed by City of Edinburgh Council, this shall include a boundary fence, water supply, path network and dividers and communal shed.

The agreed plan should be implemented prior to the six months following the completion of the development.

16. The applicant must provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.
17. Swift bricks and bat boxes shall be installed on the private dwellings on site. The proposed specification and locations shall be submitted to and approved in writing by the planning authority prior to construction works commencing on site.
18. The Waste Management Strategy hereby approved should be implemented prior to the occupation of the development.
19. Prior to the construction of development, a construction environmental management plan (CEMP) should be submitted to and approved in writing by the local planning authority. The CEMP should include mitigation as detailed in the accompanying supporting information submitted with the application. Construction shall be carried out in accordance with the CEMP so approved.
20. For the avoidance of any doubt, the proposed commercial unit is not approved. Any discrepancies between the revised site layout plan and the supporting plans and documents, the revised site layout plan should be considered.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure adequate drainage infrastructure is implemented in line with this planning permission.
3. In the interests of archaeological heritage.
4. To ensure the site is safe for the proposed end uses and occupiers.
5. To ensure the site is safe for the proposed end use and for its occupiers.
6. To allow consideration of this matter in detail.
7. To safeguard amenity of residents.

8. To ensure essential transport infrastructure is implemented in a timely manner.
9. To ensure the active travel infrastructure is implemented.
10. To ensure the infrastructure is implemented.
11. To ensure the landscaping is established on site.
12. To ensure the landscaping is managed and maintained on site.
13. To ensure these matters are dealt with appropriately.
14. In order that these issues can be clarified and considered in detail.
15. To ensure that the allotments are considered in detail.
16. In the interests of public safety and the protection of Network Rail infrastructure.
17. To enhance biodiversity and provide habitats.
18. To ensure this matter is dealt with in detail.
19. In order to protect the amenity of neighbours.
20. To clarify that the revised site layout plan represents the removal of the commercial unit in order that Scottish Power Energy Network withdraws its objection to the location of the said commercial unit.

Informatives

It should be noted that:

1. It should be noted that:
1. 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 affordable housing in accordance with policy.

Education

The proposed development is therefore required to make a contribution per flat of £13,422 and per house of £40,608 towards additional primary and secondary infrastructure including land contribution requirement.

Transport

As disabled persons parking places must comply with appropriate regulations on layout and markings and will require an appropriate order. The applicant will be required to fund progression of this order.

Health

A contribution of £60 per dwelling is required to improvement health care in the Brunstane Health Care Contribution Zone.

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. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
5. The applicant should note that the proposed active travel link running north-south through the site and the eastward link to East Lothian are expected to form part of the road construction consent application and therefore form part of the adoptable road network, including lighting.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.

8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places must comply with appropriate regulations on layout and markings and require an appropriate order. The applicant will be required to fund progression of this order.
10. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.
11. A Travel Plan including the provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking, and public transport routes to key local facilities) and timetables for local public transport, is to be delivered to each unit on its first occupation.
12. Clearance of vegetation from the proposed construction area has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March - August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
13. The applicant is encouraged to contribute towards the provision of a minimum of three car club vehicles in the area or to provide them on site. A contribution would also be required to cover the progression of the necessary order.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 April 2023

Drawing Numbers/Scheme

1-4, 5A-6A, 7, 8C, 9A-10A, 11B, 12B, 13A, 16A, 19A, 20A-22A, 23B, 25B, 26A-28A, 38A, 39A, 40A, 43A, 44D, 45A-54A, 55-56, 58B, 61-65, 66

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: The Coal Authority

COMMENT: Scheme 1 - Objection is now removed and the Coal Authority has no objection subject to condition.

DATE: 12 May 2023

NAME: Network Rail

COMMENT: Network Rail has no issues with the principle but would require a condition requiring a suitable trespass proof fence at least 1.8m high adjacent to Network Rails boundary with provision made for future maintenance. The development should be implemented in full accordance with these details.

DATE: 30 May 2023

NAME: Environmental Protection

COMMENT: No objection. Conditions would required relating to noise and contaminated land.

DATE: 2 October 2023

NAME: Nature Scot

COMMENT: No comment

DATE: 19 May 2023

NAME: Archaeology

COMMENT: No objection subject to condition.

DATE: 29 September 2023

NAME: Affordable Housing

COMMENT: Affordable housing is around 75% and would consist of a mix of social rented and mid market rent. Hillcrest Housing Association would be the RSL and the units would be tenure blind.

DATE: 31 May 2023

NAME: Parks and Greenspace

COMMENT: No objection but the allotments would need to be up to CEC specification if to be transferred to CEC.

DATE: 12 October 2023

NAME: Communities and Families

COMMENT: No objection provided a contribution to education infrastructure is secured through the legal agreement.

DATE: 3 October 2023

NAME: Scottish Water

COMMENT: No objection.

DATE: 8 September 2023

NAME: Scottish Power Energy Network

COMMENT: Objection to the scheme 1 until the safety distances are checked between the proposed townhouses and existing SPEN transmission apparatus.

DATE: 1 May 2023

NAME: Waste Services

COMMENT: A Waste Management Strategy is now agreed.

DATE: 2 May 2023

NAME: Flood Prevention

COMMENT: No objection.

DATE: 11 October 2023

NAME: Flood Prevention

COMMENT: No objection, however the applicant should confirm that Scottish Water will accept maintenance of the proposed SUDS measures, including the proposed basin.

DATE:

NAME: Network Rail

COMMENT: No objection subject to condition requiring trespass proof fence at least 1.8m high.

DATE:

NAME: Scottish Power Energy Network

COMMENT: The commercial unit is within the no build zone and therefore we object to this proposal. If the commercial unit is withdrawn the SPEN objection would be removed.

DATE: 12 October 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 25 October 2023

Application for Planning Permission

Craigentenny Primary School, 4 Loganlea Drive, Edinburgh.

Proposal: Modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area.

Item – Committee Decision

Application Number – 23/02735/FUL

Ward – B14 - Craigentenny/Duddingston

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application relates to the playgrounds of Craigentenny Primary School, located between Loganlea Drive and Loaning Road.

The surrounding area is mainly residential in character.

Description of the Proposal

The proposal is for a single storey modular building, measuring approximately 10 metres by 12 metres with an overall height of 3.5 metres. The treatment finish will include insulated wall panels and wall trims clad with Tata Colorcoat Plastisol Steel. The roof will include a pre-finished profiles steel sheet in white. All windows are to be double glazed in uPVC.

The building is required to support the function of the existing primary school, where it will house a kitchen, toilets, stores, and an office area.

Supporting Information

- Flood risk assessment and Surface water management plan

Relevant Site History

18/09635/FUL
Craigentinny Primary School
4 Loganlea Drive
Edinburgh
EH7 6LR

A proposal to construct a 2-storey nursery containing 3 playrooms, as well as ancillary accommodation and external garden, to serve 137 children (as amended).

Granted
29 January 2019

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2 and 3;
- NPF4 Liveable Places policies 14 and 22;
- NPF4 Productive Places policy 25;
- LDP Design policies Des1, Des 4 and Des 5; and
- LDP Environment policy Env 21.

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

Principle of Development

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

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 proposal is to support the requirements of the existing school, and this is linked to the spatial principles 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'.

NPF4 policy 2 seeks to facilitate development that minimises emissions and adapts to the current and future impacts of climate change. As the proposed development utilises an existing land use, this is linked to the spatial principles 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'. SEPA's flood maps show medium potential for localised effects of surface flooding within the school grounds. The submitted Flood Risk Assessment and Surface Water Management Plan demonstrates that a 1:200-year storm event (including allowance for climate change) can be attenuated safely on site with 1:1000-year (including allowance for climate change) return period accounted for. The use of steel cladding is a sustainable and recyclable material. As the proposed development supports an existing use, the impact on emissions will therefore be minimised.

The proposal complies with NPF 4 policies 1 and 2.

Development design

The proposed modular building will be situated within the school grounds where it will be functional in scale, form and design. It will not have an adverse impact on the character or appearance of the surrounding area.

The proposal complies with NPF 4 policy 14 and LDP policies Des 1 and Des 5.

Amenity

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

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

Environmental Protection requested clarification on the proposed condenser units, ventilation system and requested a Noise Impact Assessment to be submitted. The application site relates to an existing school use, where planning cannot be used to curtail/control the activities of an existing use. There is approximately 23 metres separation between the proposed standalone modular building to the nearest residential building at 37 Loaning Road, separated by a road. The proposed ventilation on the east, south and west elevations on the modular building will face onto the existing school grounds. For these reasons, it would not be reasonable to request a Noise Impact Assessment for an established school use. The proposed development will not have a materially detrimental effect on the living conditions of nearby residents.

The proposal complies with NPF4 policy 14 and LDP policy Des 5.

Flooding impacts

A Flood Risk Assessment and Surface Water Management Plan was submitted. Flood Prevention were consulted and advised that a letter from Scottish Water is required to confirm acceptance of the discharge into their network before the application can proceed to determination. While there is a presumption against surface water connection to the combined sewer under NPF4 policy 22 (c, ii), the onus is on the applicant to secure this confirmation before proceeding with the development. For this reason, an informative is applied.

The proposal complies with NPF4 policy 22 and LDP policy Env 21.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The proposed modular includes an accessible ramp.

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

Public representations

No comments were received.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places and Edinburgh Local Development Plan policies. There are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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

Reasons

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

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. 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: 26 June 2023

Drawing Numbers/Scheme

01-03.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

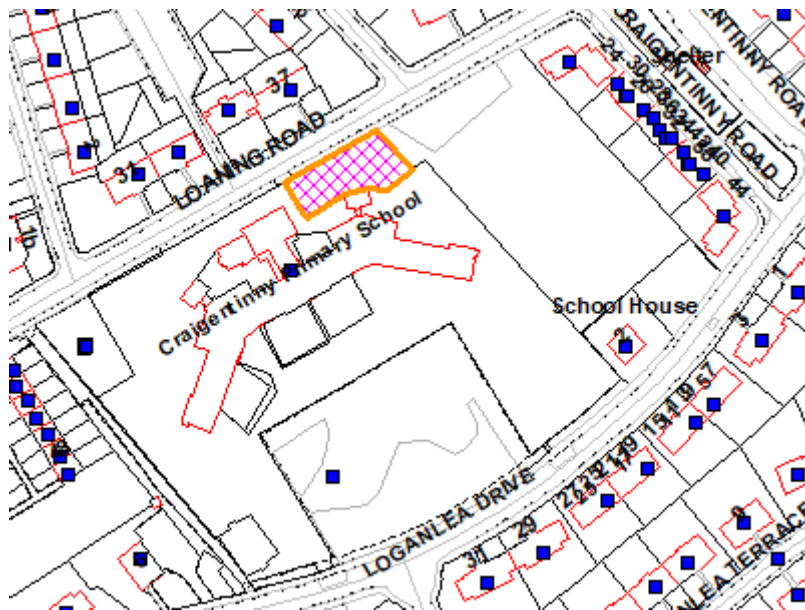
NAME: Flood Prevention

COMMENT: Proceed to determination with informative added.

DATE: 19 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 25 October 2023

Application for Planning Permission

Land 160 metres northeast of 4 Oversman Road, Edinburgh.

Proposal: Proposed development of three detached business and industrial units, (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders' merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair with associated external storage, erection of 2.4m high fence, access, car parking and landscaping.

Item – Committee Decision

Application Number – 23/02090/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the site is Council owned. 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 principle of the proposed development on the site has been established by the grant of planning permission in principle 22/05666/PPP. The detailed proposed development is compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, development on vacant land, and design, layout and landscaping. Therefore, the proposal complies with National Planning Framework 4 and the Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is an area of vacant land of some 1.99 hectares, bordered by Oversman Road to the south and Whitehill Road to the east. It is presently covered with unmanaged shrubs, grass and small trees. Larger industrial and commercial buildings generally of a functional appearance are within its vicinity. These include a timber merchant, a range of home improvement stores, car dealerships and fast food outlets. It is located within a business and industrial area as identified in the Local Development Plan (LDP) and adjacent to a commercial centre.

Description of the Proposal

Detailed planning permission is sought for the erection of three detached business and industrial units (Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair, and, associated goods/service yards, plant, car parking, cycle parking, formation of four accesses, erection of fencing and formation of landscaping.

The proposed buildings are portal frame units, with limited mezzanine areas above. The derived building heights are typically industrial in character with the 6 / 8m clear internal heights being a standard requirement for such building uses. The buildings are of contemporary form with flat roofs and are largely a functional industrial aesthetic.

A total of 48 out of the 118 proposed public parking spaces are equipped with electric vehicle (EV) charging infrastructure. The proposal includes forty two bicycle parking spaces of which six are for public/customer use, a delivery vehicle EV charging point and one E-bike charging point at both plots B and C.

Supporting Information

The following supporting documents has been submitted with the application:

- planning statement;
- design and access statement;
- air quality impact assessment;
- flood risk assessment and surface water and drainage strategy;
- ecological assessment;
- arboricultural assessment;
- noise impact assessment;
- transportation statement;
- sustainability statement and sustainability form S1;
- report on site investigation.

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

Relevant Site History

22/05666/PPP

Land 160 Metres Northeast Of

4 Oversman Road

Edinburgh

Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping.

Granted

2 May 2023

22/05138/SCR

Land 160 Metres Northeast Of

4 Oversman Road

Edinburgh

EIA screening request.

EIA Not Required

18 October 2022

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology Services

Environmental Protection

Transportation

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 May 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 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) have equivalent and alternative policies within NPF4.

The relevant NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3 and 9
- NPF4 Liveable Places policy 14
- NPF4 Business and Industry policy 26
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP environment policies Env 12, Env 22
- LDP employment and Economic Development policy Emp 8
- LDP transport policies Tra 2, Tra 3, Tra 4

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

Principle

NPF4 Policy 9 (Brownfield, vacant and derelict land) states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of vacant land which has naturalised should be taken into account.

NPF4 Policy 26 (Business and industry) supports development proposals for business and industry uses on sites allocated for those uses in the LDP.

LDP Policy Emp 8 supports business, industrial or storage development on sites identified on the Proposals Map as part of a 'Business and Industry Area'.

The principle of the use of the site for business/industrial use(s) is established by the previous grant of planning permission in principle. The current proposal is compliant with NPF4 policies 9, and 36 and LDP policy Emp 8.

SUSTAINABLE PLACES

Climate Mitigation and Adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' through the use of a vacant site for sustainable, energy-efficient business/industrial development within an established business/industry part of the city.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

LDP Policy 22 (Pollution and Air, Water and Soil Quality) presumes against development proposals where there will be a significant effect for health, including air quality, the environment and amenity.

The applicant has submitted a sustainability form in support of the application. Part A of the standards set out in the form is met through the provision of low and zero carbon technology and no fossil fuel use is proposed on site. Increased air tightness is to be developed. In addition, roof mounted photovoltaic (PV) panels will facilitate on-site electricity generation. Enhanced electric vehicle charging points is at 41% of overall parking spaces. Enhanced cycle storage provision for both site visitors and employees is to be provided, including electric bike charging points and non-standard cycle spaces.

The stated intended sustainability measures meet the current standards set out in the sustainability form.

An air quality impact assessment/statement (AQIA) has been provided in support of the application which advises that an operational phase assessment is not required for the application. The air quality consultant does however advise that there will be air quality impacts associated with the proposed development. The AQIA advises that the increase in the traffic flow due the operational phase of the Proposed Development is predicted to be less than the Environmental Protection UK (EPUK) and Institute of Air Quality Management (IAQM) (EPUK & IAQM, 2017) criteria that requires detailed assessment on the surrounding road links where there are sensitive receptors. However, the Council's Environmental Protection Section consider that this development should still be assessed (including cumulatively) and suitable mitigation put in place to reduce the impacts of air pollution. Environmental Protection highlights that the proposal includes 116 vehicle parking spaces which could introduce 232 daily vehicular trips to the site. Also, they point out that the local area is becoming increasingly well developed with a number of adjacent housing developments either consented or in the process of gaining approval which will add significant levels of traffic to an already congested area. They maintain that they cannot assess whether the proposed number of EV charging points is adequate when comparing against the operational air quality impacts because a cumulative assessment which considers other nearby developments in the pipeline has not been completed.

The quantum of development proposed in this application does not amount to over development of this site within an established business/industrial area. Of the proposed parking spaces 48 are electric vehicle (EV) charging spaces (over 40% of the parking provision). The proposed development also includes 42 cycle parking spaces of which six are for public/customer use, a delivery vehicle EV charging point and one E-bike charging point is proposed at both plots B and C. The proposed EV provision is in excess of the Council's required levels. The planning authority considers that the proposed EV charging provision will go some way to mitigating air pollution and conclude that the proposed development is acceptable with regard to air quality. Therefore, it would not be reasonable for the planning authority to insist that the applicant carry out a AQIA that considers cumulative impact or provide additional EV charging provision.

Flooding and Drainage

LDP Policy Env 21 (Flood Protection) presumes against development that would increase flood risk.

Separate drainage systems for foul and surface water within the site are proposed, which will discharge into existing Scottish Water Foul and Surface Water sewers adjacent to the site in Oversman Road. The applicant has provided the relevant full flood risk assessment (FRA) and surface water management information for the site as part of the self-certification (with third party verification) process. The FRA does not identify any issues associated with flooding and concludes that the overall Flood Risk is low.

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

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

LDP Policy 12 (Trees) states that development will not be permitted if likely to have a damaging impact on any tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

There are a number of trees, hedges and shrubs within the site. An arboricultural assessment submitted in support of the application states that to facilitate the development the majority of trees and plants on site will have to be removed. These are low quality young trees and shrubs with low life expectancy and can be replaced with new planting.

A landscaping plan has been provided. It illustrates planting along site boundaries containing shrubs and trees to soften views of the buildings and the associated car parking and service yards along site boundaries and landscape pockets containing trees. A condition has been added requiring that the landscaping is carried out within a specified timescale. Subject to this, the proposal is in accordance with NPF4 Policy 3 and LDP Policy Env 12.

NPF4 Policy (Natural Places) part 4f, states that development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests.

A report on an ecological assessment of the site was submitted with the application. The report confirms that no evidence of protected species was identified.

Informatives are recommended that bat and bird boxes, invertebrate niches, such as bee/insect 'hotels' and provided on the site and, swift bricks and bat bricks are included on elevations of new buildings and within the site. Additionally, a wildlife friendly lighting scheme during both the construction and operational phases should be adopted.

Conclusion in relation to climate mitigation and adaptation

In conclusion, the development will meet the sustainability requirements of NPF4 Policies 1, 2 and 9 in terms of location on a brownfield site, energy efficiency and surface water management.

The development will also support and encourage local biodiversity and will have no adverse impact on protected species or significant trees, in accordance with NPF4 Policy 3 and LDP Policy Env 12.

Archaeological Remains

NPF4 Policy 7 (Historic assets and places) part o, states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

The application site is the site of the historic Newcraighall Colliery and Brickworks closed in the 1960's and early 1990's respectively. The site is therefore regarded as occurring within an area of archaeological potential. It is essential therefore that a programme of archaeological work is carried prior to development to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains is undertaken. Accordingly, if permission is granted it is essential that a programme of archaeological works (excavation, analysis & reporting, publication and public engagement) is undertaken prior to commencement of development in site.

The proposed development is in accordance with NPF4 Policy 7.

Design, Quality and Place

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

Overall, the height, scale, massing and design is functional, utilitarian and in keeping with the existing neighbouring industrial development in the locality.

The finishing materials are compatible with other developments in the locality and reflects the industrial character of the area.

The proposal is well-designed and appropriate in this location, in accordance with NPF 4 policy 14 and, Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), and Des 8 (Public Realm and Landscape Design).

The number and position of the access(s) into the site off Oversman Road, location and quantity of car parking, and all acceptable.

The proposed development accords with NPF Policy 14 and the LDP design policies Des 1 - Des 8.

Amenity of neighbouring residents and future occupiers of the site

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

NPF4 Policy 26 Part e)i) (Business and industry) states that development proposals for business and industry will take into account the impact on surrounding residential amenity, sensitive uses and the natural historic environment. This is addressed below.

Noise

A noise impact assessment has been provided in support of the application which considers the potential noise impacts associated with the proposal on the nearest noise sensitive receptors to the site. The proposed uses will result in vehicle movements (both for servicing the site and for customers) and plant noise. The nearest noise sensitive properties to the loading bay are the houses nearby on the north side of Craighall Road and also, to the south on Whitehill Road. The houses to the north are directly facing onto the road that has a constant flow of traffic during the day and into the evening. The houses are shielded from the application site by existing industrial/storage facilities. The house to the south is on a road that has a regular flow of vehicles and is also shielded from the application site by existing car showroom and associated facilities. In terms of noise impact, deliveries and collections can happen at any time. Noise from car parking activity between 6am to 10pm on any day of the week will be negligible compared to the existing ambient noise levels. The NIA therefore concludes that taking into account the above and having assessed the main noise impacts from the development against the existing noise climate, the site can be developed as proposed without causing significant impact or disturbance to existing local residents.

Plant will be installed within the proposed units (including vehicular cosmetic repair ventilation facilities). A maximum noise specification has been recommended within the NIA which should be taken cognisance of when the plant comes to being chosen and installed. The recommended noise control can be secured by a planning condition.

Odour, vibration and lighting

Unit A will be occupied by a car servicing and cosmetic repair facility, the emissions from which will be controlled by bespoke abatement equipment, with exhaust flue design and positioning in compliance with statutory government guidance to minimise the potential for odorous emissions to atmosphere. A VOC/odour/fume assessment was provided in support of the application. It advises that any odour impact potential is considered to be small. The nearest flue extraction point source within the proposed development would be located approximately 90 metres from the closest sensitive residential receptor. The assessment advises that effective dispersion should be rapidly achieved from the point of exit. It is therefore expected that any associated fumes will be unlikely to impact upon residential amenity.

Ground Contamination

The site may be affected by contamination and historical coal mining issues which will require assessment and remediation to ensure the site is made safe for the proposed end use. Should permission be granted a condition is recommended to ensure the site is made safe for the proposed end use.

The site is not located within the defined Development High Risk Area, and therefore there was no statutory requirement to consult with the Coal Authority.

Transportation

Access and Traffic Generation

LDP Policy Tra 8 (Provision of Transport Infrastructure) states that development proposals relating to development sites, and which would generate a significant amount of traffic, shall demonstrate through an appropriate transport assessment and proposed mitigation that:

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal. The Roads Authority raise no objection to the application.

Car and Cycle Parking

LDP Policy Tra 2 (Private Car Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The vehicle parking is as follows:

- Vehicle servicing: 81 spaces including 4 EV charging spaces and 1 accessible bay.
- Timber's merchant building: 21 spaces including 3 accessible bays and 2 bays for vans.
- Builder's merchant building: 37 van spaces including 18 EV charging spaces and 4 accessible bays

The Roads Authority does not raise any concern with the proposed provision of three separate accesses and the position of them off Oversman Road.

The Roads Authority confirm that owing to the bulky goods nature of the trade, the proposed parking provision is considered acceptable. The number of EV car parking charging points exceeds the Council's minimum requirement and is acceptable.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

The cycle parking is as follows:

- Vehicle servicing: 8 secure cycle parking spaces including 2 non-standard bike spaces.
- Timbers Merchant: 18 cycle parking spaces including 14 secure cycle parking spaces 2 non-standard bikes and 4 visitor spaces;
- Builder's Merchant: 19 secure cycle parking spaces plus 4 visitor spaces

In terms of quantum of spaces, the proposed provision of cycle parking spaces complies with the council's parking standards. An informative is recommended that the applicant/developer engage with the planning authority to agree a mix of types of cycle parking, including spaces for non-standard cycles.

Conclusion in relation to the Development Plan

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

c) Other matters to consider

The following matters have been identified for consideration:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

No representations were received.

Conclusion in relation to other matters considered

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

Overall conclusion

The principle of development is acceptable on the site and has been established by the grant of planning permission in principle 22/05666/PPP. The detailed proposed development of three detached business and industrial units, (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair with associated external storage, 2.4m high fence, accesses, car parking, cycle parking, landscaping is acceptable. The proposal is compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on vacant land. Therefore, the proposal complies with National Planning Framework 4 and the Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. There are no other 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. Development shall not begin until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each building phase, the provision of SUDS, landscaping and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. Prior to the units commencing operations the EV charging points as delineated on drawing nos. KIN-CDA-BZ-ZZ-DR-A-020001 Rev P2 dated 20/01/23, KIN-CDA-CZ-ZZ-DR-A-020001 Rev P2 dated 20/01/23, KIN-CDA-SW-ZZ-DR-A-020003 Rev P2 dated 20/01/23 and KIN-CDA-AZ-ZZ-DR-A-020001 Rev P2 dated 20/01/23, shall be installed and made operational. Each charger shall be a standard 3-pin plug (13amp) installed with an option for future owner to upgrade them to a 7KW (32amp) (or as agreed with the planning authority) with type two socket.
5. 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. Prior to the first commencement of use of the business/industrial units hereby approved, the noise mitigation measures (including maximum plant noise specifications) as specified within Sharps and Redmore noise impact assessment Project No 2221156, dated 6th September 2023, shall be installed and made operational.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. In order to safeguard the interests of archaeological heritage.
4. In the interests of air quality.
5. To ensure adequate assessment and remediation of the site to ensure that it is safe for the proposed end use.
6. In the interests of mitigating noise nuisance to nearby noise sensitive properties.

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. A wildlife friendly lighting scheme should be utilised during both the construction and operational phases.
4. Bat and bird boxes, invertebrate niches such as bee/insect 'hotels' should be provided on the site and additionally, swift bricks and bat bricks should be included on elevations of new buildings and within the site.
5. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips should be agreed with the roads authority.

The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if they want the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
11. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>
12. The delivery vehicle charging point should be a "rapid" 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdemo/Type 2) charger.
13. The applicant should engage with the Planning Authority to provide a broad mix of types of cycle parking, including 20% non-standard cycle spaces.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 15 May 2023

Drawing Numbers/Scheme

1, 2, 3, 01, 03, 04, 05, 06, 08, 09, 10, 11, 12, 14, 15,16, 17, 18, 19, 20, 21

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
E-mail: adam.thomson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology Services

COMMENT: No objection. A condition is recommended.

DATE:

NAME: Environmental Protection

COMMENT: No objection, but concern raised. Conditions are recommended.

DATE:

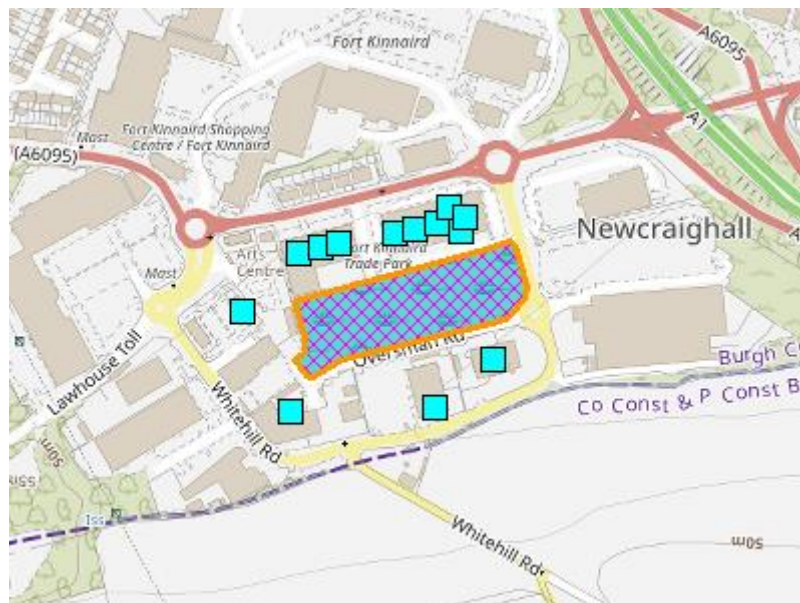
NAME: Transportation

COMMENT: No objection. Informatives recommended.

DATE: 10 October 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 25 October 2023

**Application for Planning Permission
East Princes Street Gardens, Princes Street, Edinburgh.**

Proposal: Installation of Edinburgh's Christmas 2023 at East Princes Street Gardens and The Mound precinct including Christmas market stalls, fairground rides, associated site infrastructure, stores, and ancillary facilities.

**Item – Committee Decision
Application Number – 23/04142/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport due to the central city centre location.

On balance, the benefits outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act, the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the National Planning Framework 4 and the Edinburgh Local Development Plan.

The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site forms part of East Princes Street Gardens (EPSG) comprising parts of the top tier of the gardens and extends to include the paved hardstanding of the Mound Plaza and the walkway which enters EPSG from Waverley Bridge/ Market Street. Waverley Bridge lies to the east of the site whilst the Royal Scottish Academy lies directly to the west. Princes Street provides a boundary to the northern section of the site. The application site is designated as open space within the Edinburgh Local Development Plan 2016 (LDP).

There are numerous Category A listed buildings within the application site:

- Professor John Wilson Statue (LB27881);
- Adam Black Monument (LB27842);
- Scott Monument (LB27829);
- Dr David Livingstone Statue (LB27864).

In addition to this the following Category A listed buildings surround the application site:

- Royal Scottish Academy (LB27744);
- National Gallery of Scotland (LB27679); and
- Waverley Station and Waverley Bridge (LB30270).

The application site has numerous significant designations, as follows:

- Old and New Towns World Heritage Site;
- The northern section of the site lies within the New Town Conservation Area and the southern section which encompasses the walkway lies within the Old Town Conservation Area;
- Historic Garden and Designed Landscape: New Town Gardens and Dean;
- Special Landscape Area: Princes Street Gardens and
- Local Nature Conservation Site.

Description of the Proposal

The application is for the installation of Edinburgh's Christmas 2023 including Christmas market stalls, fairground rides, light installation, associated site infrastructure, stores and ancillary facilities. Permission is sought for a one year period from 30 October 2023 to 19 January 2024, which is inclusive of the set up and take down periods. The proposed timescale is as follows:

- Set up: 30 October - 16 November 2023.
- Operational: 17 November 2023 - 6 January 2024;
- Take down: 7 January - 19 January 2024.

The market and attractions would be in operation daily from 1000 to 2200.

Remediation works are to be undertaken by the Council with the costs of these works met by the applicant.

The proposals within East Princes Street Gardens include the following:

- Market stalls.
- Fairground rides including the Big Wheel.
- Light installation/ illuminated walking trail.
- Ancillary site office stores and facilities.

Access to the event is for pedestrians only. Deliveries will take place outside the hours of operation and will be taken via Waverley Bridge with no direct delivery access to the market itself.

Waste collection is to be managed by a certified sub-contractor, collected daily. Separate waste facilities are to be made available for members of the visiting public and stallholders.

This proposal forms part of a suite of four applications for a Christmas Festival across the city centre. The three remaining applications are located at West Princes Street Gardens, George Street and St Andrew Square.

Supporting Information

The following documents were submitted in support of this application and can be viewed on the Planning and Building Standards Online Services:

- Planning and Design Statement.
- Tree Protection Statement.
- Description of Trader Huts.
- Monument Protection Plan.
- Description of fairground rides.

Relevant Site History

22/04917/FUL
East Princes Street Gardens
Princes Street
Edinburgh

Temporary use of public gardens /hardstanding for big wheel /associated rides /attractions (5 No.); including carousels /fun flyer /techno base; food /craft concession stall; public toilet /waste facilities; entrance features; boundary treatment; ancillary offices /stores; info signage. Maintenance of pedestrian routes. Temporary /recurring for 5 years.

Granted

10 November 2022

21/04953/FUL

East Princes Street Gardens

Princes Street

Edinburgh

Erection of Edinburgh's Christmas at East Princes Street Gardens and the Mound Precinct including Christmas market stalls, fairground rides associated site office, stores and ancillary facilities (proposed for 1 year 2021-2022 and variation on Ref: 20/03707/FUL).

Granted

16 November 2021

Other Relevant Site History

This application is part of a wider proposal including 23/04143/FUL, 23/04144/FUL and 23/04199/FUL.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Parks and Greenspace

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change in the Historic Environment: Setting

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

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

The proposed market facilities and fairground rides would be located within close proximity to many listed buildings including those that are category A listed. The scale, positioning, form, and design of the temporary structures would have a detrimental impact on the setting of the A-listed Royal Scottish Academy, the A-listed Scott Monument, the A listed Livingston Monument, the A listed John Wilson Monument and the A-listed Adam Black Monument.

The proposal has presented a Monument Protection Plan within its application which sets out the protection measures to secure the relevant statues which includes heras fencing and red pickett fencing.

Previous iterations of the Christmas market have operated on the site for a number of years during the festive season and have become characteristic of the setting of those listed buildings during the festive season. The proposal is for a temporary period of a known duration and the impact on the setting of these neighbouring listed buildings would be short term.

Dividing the event into four separate locations in the city has diminished the concentrated scale of the current proposal. The impact on a single environment has been reduced from previous years and consequently the impact on the heritage assets is not as profound.

Given that there would be harm to the setting of listed buildings, consideration is required to be given to whether there are significant material considerations that justify the development in this location; and if so, does this outweigh any adverse impacts.

It is considered that there are significant economic and cultural benefits resulting from the Christmas Festival, which arise because of it being located within the city centre where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute very positively to the life of the city and the vibrancy of the city centre. It is likely to draw people to the city centre and therefore there will be economic benefit to surrounding businesses.

On balance, these benefits, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the setting of the listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Conclusion in relation to the listed buildings

The proposal would have a minor temporary adverse impact on the setting of the listed buildings. As the proposal is temporary and the development is non-permanent, it is therefore acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The scale of the proposed temporary development is considerably smaller than past Christmas markets that operated solely within East Princes Street Gardens. More recently the development has been divided between three locations which has seen the effect of development being ameliorated. The size and form of development within an individual site has been reduced through spreading the market across various locations.

Between the reduction in scale and form, and the temporary nature of the development, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal would have a minor temporary adverse impact on the character and appearance of the New Town Conservation Area. As this effect is minor and temporary it is therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Place policies 4 and 7
- LDP Delivering the LDP policies Del 2;
- LDP Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 12 and Env 18; and
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration.

Listed Buildings

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

Conservation Area

As discussed, the effect on the New Town Conservation Area would be detrimental, however this effect is mitigated through the temporary nature of the development. Therefore, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area, allowing it to comply with NPF4 Policy 7.

World Heritage Site

NPF4 states that "development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved".

Edinburgh World Heritage was consulted and noted that the introduction of structures into this historic space would constitute considerable harm to the OUV of the World Heritage Site and although they are temporary, they cannot support the proposals.

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into four separate events across the city, the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other three Christmas events currently proposed by the applicant, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the WHS is not significant.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7.

Historic Gardens and Designed Landscapes

The Princes Street Gardens are protected as Designed Landscape, Historic Gardens and Special Landscape Area within the Local Development Plan to preserve the fabric of the city's historic green spaces and landscaping. Owing to the proposal's size, scale, positioning, form and their design and appearance, the temporary structures would disrupt key views within the Designed Landscape, Historic Gardens and thus would harm the character and appearance of the Designed Landscape and Historic Gardens.

On balance, the aforementioned benefits are considered to outweigh the temporary adverse impact that the proposal will have on the Historic Gardens and Designed Landscapes, justifying the proposal be granted for planning permission at this site.

Alternative Locations

As the proposal is for a Christmas Festival within Edinburgh, it is appropriate that it is located in the city centre. Given its proximity to bus routes, bus station, tram and train, there are few locations with better connectivity. For example, the Meadows or George Square do not have such connectivity. Other locations in the city centre, given the large number of listed buildings throughout the city centre, are likely to give rise to similar impacts on other listed buildings. Therefore, the benefits realised by the market can only realistically be delivered at its proposed location within East Princes Street Gardens.

Trees and soft landscaping

The current site area comprises significantly less areas of grass within the Garden than Christmas markets prior to 2020. Consequently, less soft landscaping restoration/remediation will be necessary at the end of the decommissioning phase than was required previously and the duration of restoration/remediation should be less. The ground to be restored/remediated will be unsightly and inaccessible to the public only temporarily. However, the effects are reversible and not considered to be significantly detrimental to amenity. The Council as landowner through non-planning related consents, including terms and conditions of a grant of a lease to the operator, would ensure that at the end of the decommissioning stage the land is restored expeditiously to a required specification. This would include the reinstatement of soft landscaping and the repair/replacement of any damaged kerbs and footways being made good at no cost to the Council.

Therefore, there is no requirement to secure restoration/remediation works through a planning condition for soft landscaping.

In regard to tree protection, a number of structures have been proposed within the site plan in close proximity to trees. A Tree Protection Plan has been submitted to ensure the trees are protected during construction, operation and decommissioning. A condition is attached to the planning permission, that stipulates the applicant must implement tree protection measures before development on site begins. With this condition it is considered that the proposal will comply with LDP Policy Env 12.

Use

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

The LDP supports a mix of uses appropriate to the location of the site, the accessibility and the character of the surrounding area. Development which lies within the City Centre will be supported which retains and enhances its character, attractiveness, vitality and accessibility, whilst contributing to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would not prevent the continued existing use of the public garden or the remainder of Princes Street Gardens. The effect of the proposed development on the leisure value and enjoyment of the part of the Gardens comprising the site and the Mound Plaza as a civic space is not permanent and is reversible. The temporarily change of use of the site would not result in the permanent loss of open space and does not conflict with the key principles of LDP Policy Env 18.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal will help the city centre fulfil its role as a capital city. Given that the proposed Christmas Festival is temporary there is no conflict with the key principles of LDP Policy Del 2 or Ret 7.

Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section have previously advised that if any complaints about noise were received, they would address this directly with the event organiser.

The applicant has confirmed that a private waste collection service, will be in place for the development. Waste will be collected daily, at pre-arranged times as agreed with the Council. Waste will be streamed on site into waste, mixed recycling and glass.

It is considered that the proposal complies with LDP Policy Des 5.

Transport

No roads are required to be closed to facilitate the proposed development. The proposal raises no road safety or pedestrian safety issues including in respect of the number and location of entrance and exit points and access for wheelchair users. Access to the remainder of the gardens including for pedestrians and wheelchair users will be maintained.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

Archaeology

No groundworks are required to facilitate the proposal and therefore there is no potential for impacts on underground archaeology.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The application received three public objections which are summarised below:

material considerations

- Princes Street Gardens is a vital green space for the residents of the immediate area and becomes unusable during the Christmas Festival. The effect of the amenity is discussed within section 'B' of the report.
- Soft landscaping is damaged each year by the Christmas Market. This has been discussed within section 'B'.
- Plans do not follow the Tree Protection Statement - these plans have since been updated to ensure effective tree protection. This has been addressed within section 'B' and a condition has been attached to the permission making the applicant to meet the council's guidance before any development of any kind can take place on site.
- Council Officers unable to properly supervise the construction and management of these events, and unable to enforce planning conditions. This has been addressed within section 'B' and a condition has been attached to the permission making the applicant meet the council's guidance before any development of any kind can take place on site.

non-material considerations

- The view from the Scottish Art Galleries will be affected.
- Not enough information provided within application to make informed decision.

Conclusion in relation to identified material considerations

The proposal with the conditions attached fully addresses the material considerations as set out above.

Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan.

The development will have a minor temporary effect on the immediate listed buildings and conservation area. The Christmas markets, rides and associated kiosks will bring an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport.

On balance, these benefits are a considerable material consideration and outweigh the short-term adverse impact that the proposal will have on the setting of listed buildings, historic green spaces and they provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not result in significant harm to residential amenity. The proposals comply with the Edinburgh Local Development Plan and NPF4. The proposal, subject to the conditions stated, is considered to be acceptable.

The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Planning permission is hereby granted for the proposal for the period between the 30 October 2023 - 19 January 2024.
2. The temporary market and other attractions hereby approved shall only be operational between the hours of 10am and 10pm.
3. The temporary buildings, attractions, installations and associated temporary structures and plant hereby approved shall be removed from the site in their entirety by no later than 19 January 2024.
4. No development on site may begin without the applicant supplying a Monument Protection plan and written response that gives consent from Edinburgh Council Planning Authority. At least 3 days written notice shall be given to the Planning Authority of the date of commencement of the development on site.

Access shall be made available to officers of the Edinburgh Council Planning Authority or a representative authorised by them, to carry out site visit to monitor the monument protection measures being carried out.

5. Prior to the commencement of development tree protection measures shall be agreed with the Council's Parks and Greenspace team and shall be implemented prior to the installation of any structures within the vicinity of the trees. Confirmation of agreement shall be submitted to the Council as Planning Authority.

Access shall be made available to the officers of the Council's Parks and Greenspace Team, or a representative authorised by them, to carry out site survey/ monitoring checks of the tree protection measures.

6. Prior to development commencing on the site the operator shall submit a boundary strategy to the Planning Authority for approval.
7. Prior to the development commencing the operator shall submit a detailed lighting plan to the Planning Authority for approval.

Reasons

1. In recognition of the temporary nature of the proposal.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In recognition of the temporary nature of the proposal.
4. In the interests of safeguarding listed monuments and statues from damage.
5. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area and comply with LDP policy Env 12.
6. In the interests of public safety.
7. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area and comply with LDP policy Env 12.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 12 September 2023

Drawing Numbers/Scheme

01,02B 3-7,9-10

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 25 September 2023

NAME: Parks and Greenspace

COMMENT: No objection.

DATE: 4 October 2023

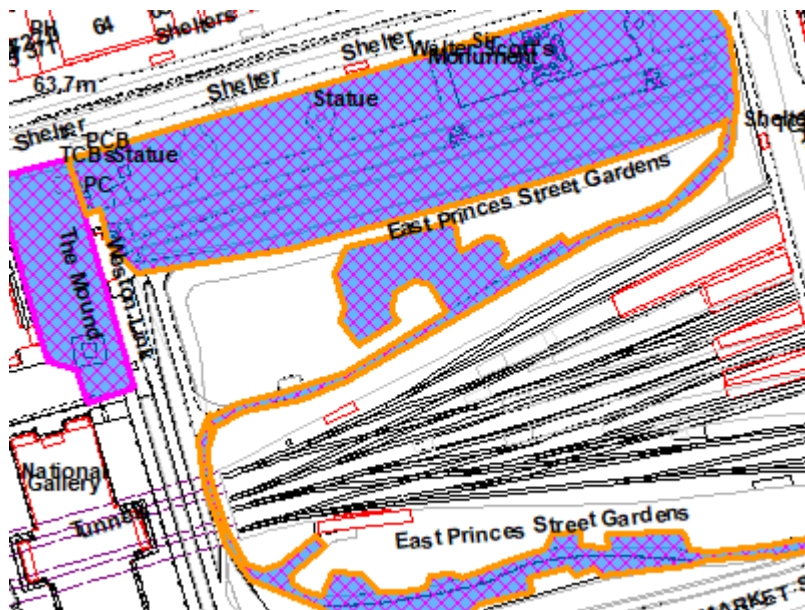
NAME: Environmental Protection

COMMENT: No objection. Any complaints received regarding noise will be addressed informally with the event organiser.

DATE: 19 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 25 October 2023

Application for Planning Permission

West Princes Street Gardens, Princes Street, Edinburgh.

Proposal: Temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival.

Item – Committee Decision

Application Number – 23/04143/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

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

Recommendation

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

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise principally because of the city centre location where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre.

On balance, these benefits outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposals comply with the Edinburgh Local Development Plan.

The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site forms part of West Princes Street Gardens (WPSG) comprising the hard standing area of the red Blaise adjacent to the Ross Fountain and areas of soft landscaping along the southern edge of the gardens. The application site includes the Ross Bandstand and is bound by the remainder of the gardens.

There are two category A listed buildings within the application site:

- Ross Fountain (LB27911);
- Robert Louis Stevenson Memorial (LB48255).

In addition to this, the Category A listed St Cuthbert's Church, Churchyard, Monuments and Boundary Walls (LB27339) are located directly to the west of the application site.

Edinburgh Castle, a Scheduled Ancient Monument, lies beyond the rail line to the south and provides a backdrop to the site.

The application site has numerous significant designations, as listed below:

- Old and New Towns of Edinburgh World Heritage Sites.
- New Town Conservation Area.
- Historic Garden Designed Landscape: New Town Gardens and Dean.
- Special Landscape Area: Princes Street Gardens; and
- Local Nature Conservation Site.

Description of the Proposal

The application is for the temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival. Permission is sought from 30 October 2023 to 19 January 2024 for a one year temporary period, which includes time to set up and decommission the event. The proposed timescale for set up, operation and decommissioning is as follows:

- Set up: 30 October - 17 November.
- Operation: 18 November - 6 January.
- Take down: 7 January - 19 January.

The facilities will be operational between the hours of 1000 - 2200 daily.

Remediation works are to be undertaken by the Council with the costs of these works met by the applicant.

The proposals within West Princes Street Gardens incorporate the following:

- Market stalls;
- Fairground rides;
- Accessible toilets with baby changing facilities;
- Ancillary site office stores and facilities;
- Outdoor seating and associated facilities (e.g. picnic benches, bistro tables, chairs and umbrellas).

Access to the event is for pedestrians only. Any servicing requirements would be via the existing access through the graveyard directly to the west of the site and Kings Stables Road.

Waste collection is to be managed by a certified sub-contractor, collected daily. Separate waste facilities are to be made available for members of the visiting public and stallholders.

This proposal forms part of a suite of four applications for a Christmas Festival in the city centre. The three remaining applications are located at East Princes Street Gardens, George Street and St Andrew Square.

Supporting Information

The following documents were submitted in support of this application and can be viewed on the Planning and Building Standards Online Services:

- Details of the funfair rides;
- Planning and Design Statement; and
- Tree Protection Plan.

Relevant Site History

22/04921/FUL
West Princes Street Gardens
Princes Street
Edinburgh

Temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival. Recurring Period of 5 Years.

Granted

10 November 2022

21/04954/FUL
West Princes Street Gardens
Princes Street
Edinburgh

Erection of Edinburgh's Christmas at West Princes Street Gardens including Christmas market stalls, fairground rides, Santa's grotto, Christmas tree maze, Associated site offices, stores, and ancillary facilities (Proposed for one year 2021 - 2022).

Granted

15 November 2021

Other Relevant Site History

This application is part of a wider proposal including 23/04142/FUL, 23/04144/FUL and 23/04199/FUL.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Parks and Greenspace

Edinburgh World Heritage

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

Number of Contributors: 4

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: Setting

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

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

The proposed market facilities and fairground rides would be located near to many listed buildings including those that are category A-listed. The application is primarily located between two category A-listed structures the Ross Fountain and St Cuthbert's Church. The scale, positioning, form, and design of the temporary structures would have a detrimental impact on the setting of these A-listed structures.

Owing to the size, scale, form, and design of the proposal, it would have a minor impact on the setting of the other neighbouring listed buildings which are located further away from the proposal. Previous iterations of the Christmas market have operated on the site adjacent to these listed buildings for a number of years during the festive season and has become characteristic of the setting of those listed buildings during the festive season. The proposal is for a temporary period of a known duration and the impact on the setting of these listed buildings would be short term.

Dividing the event into four separate locations in the city has diminished the concentrated scale of the current proposal. The impact on a single environment has been reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years.

Given that there would be harm to the setting of listed buildings, consideration is required to be given to whether there are significant material considerations that justify the development in this location; and if so, does this outweigh any adverse impacts.

It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise because of its location within the city centre, where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and improve the vibrancy of the city centre. It is likely to draw people to the city centre who might not otherwise go there and therefore there will be economic benefit to surrounding businesses.

On balance, these benefits, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Conclusion in relation to the listed building

The proposal would have a minor temporary adverse impact on the setting of the neighbouring listed buildings. As the proposal is temporary and the development is non-permanent it is therefore acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

The scale of the proposed temporary development is considerably smaller than some previous Christmas markets that operated solely within East Princes Street Gardens. More recently the development has been divided between four locations which has seen the size and form of the development within an individual site reduce through dividing the market across numerous locations.

Between the reduction in scale and form and the temporary nature of the development, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal would have a minor temporary adverse impact on the character and appearance of the New Town Conservation Area. As this effect is minor and temporary it is therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Place Policies 4 and 7
- LDP Delivering the LDP policies Del 2;
- LDP Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 12 and Env 18; and
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration.

Listed Buildings

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

Conservation Area

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area, allowing it to comply with NPF4 Policy 7.

World Heritage Site

NPF4 states that "development proposals affecting a World Heritage Site, or its setting will only be supported where their Outstanding Universal Value is protected and preserved".

Edinburgh World Heritage stated that whilst the impact is temporary in nature, the proposals would constitute notable harm to the OUV of the World Heritage Site and they therefore cannot support the application.

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into four separate events across the city, the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7.

Historic Gardens and Designed Landscapes

The Princes Street Gardens are protected as Designed Landscape, Historic Gardens and Special Landscape Area to preserve the fabric of the city's historic green spaces and landscaping. Owing to the proposal's size, scale, positioning, form and their design and appearance, the temporary structures would disrupt key views within the Designed Landscape, Historic Gardens and thus would harm the character and appearance of the Designed Landscape and Historic Gardens.

On balance, the benefits discussed prior, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the Historic Gardens and Designed Landscapes, justifying the proposal be granted for planning permission at this site. It is considered that the proposal protects the policy requirements of NPF4 Policy 4 as it will help retain and protect the fabric of the city's historic green spaces and designed landscaping.

Alternative Locations

As the proposal is for a Christmas Festival within Edinburgh, it is appropriate that it is located in the city centre. Given its proximity to bus routes, bus station, tram and train, there are few locations with better connectivity. For example, the Meadows or George Square do not have such connectivity. Other locations in the city centre, given the large number of listed buildings throughout the city centre, are likely to give rise to similar impacts on other listed buildings. Therefore, the benefits realised by the market can only realistically be delivered at its proposed location of West Princes Street Gardens.

Trees and soft landscaping

The ground to be restored/remediated will be unsightly and inaccessible to the public only temporarily. The effects are reversible and not considered to be significantly detrimental to amenity, including visual amenity. The Council as landowner through non-planning related consents, including terms and conditions of a grant of a lease to the operator, would ensure that at the end of the decommissioning stage the land is restored expeditiously to a required specification. This would include the reinstatement of soft landscaping and the repair/replacement of any damaged kerbs and footways being made good at no cost to the Council.

Therefore, there is no requirement to secure restoration/remediation works through a planning condition for soft landscaping.

A Tree Protection Plan has been submitted which details the relevant measures that will be put in place to ensure the mature trees are protected during construction, operation and decommissioning. A condition is attached to the planning permission, that stipulates the applicant must implement these tree protection measures before development on site begins. With this condition it is considered that the proposal will comply with LDP Policy Env 12.

Use

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

The LDP supports a mix of uses appropriate to the location of the site, the accessibility, and the character of the surrounding area. Development which lies within the City Centre will be supported which retains and enhances its character, attractiveness, vitality, and accessibility, whilst contributing to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would not prevent the continued existing use of the public garden or the remainder of Princes Street Gardens. The effect of the proposed development on the leisure value and enjoyment of the part of the Gardens is not permanent and is reversible. The temporary change of use of the site would not result in the permanent loss of open space provision in the locality and does not conflict with the key principles of LDP Policy Env 18.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal will help the city centre fulfil its role as a capital city. The proposed Christmas Festival is temporary and does not conflict with the key principles of LDP Policy Del 2. The development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

Amenity

Due to the nature of the proposal, there will be amplified music and a large number of people attending, including in the evening. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section have previously advised that if any complaints about noise were received, they would address this directly with the event organiser.

The proposals would not give rise to significant harm to the amenity of neighbouring properties including residences.

The applicant has confirmed that a private waste collection service, will be in place for the development. Waste will be collected daily, at pre-arranged times as agreed with City Edinburgh Council. Waste will be streamed on site into waste, mixed recycling and glass.

It is considered that the proposal complies with LDP Policy Des 5.

Transport

No roads are required to be closed to facilitate the proposed development. The proposal raises no road safety or pedestrian safety issues including in respect of the

number and location of entrance and exit points and access for wheelchair users. Access to the remainder of the Gardens, including for pedestrians and wheelchair users, will be maintained.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

Archaeology

No groundworks are required to facilitate the proposal and therefore there is no potential for impacts on underground archaeology.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The application received four public objections. A summary of the representations is provided below:

material considerations

- Princes Street Gardens is a vital green space for the residents of the immediate area and the events proposed would disrupt the amenity of residents for the duration of the permission. The effect of the amenity is discussed within section 'B' of the report.
- No provision of accessible toilets - the plans have since been revised and now show accessible toilets.
- The application has not followed Council guidance on tree protection. This has been discussed within section 'B' and a condition has been attached to the permission making the applicant to meet the council's guidance before any development of any kind can take place on site.
- Concern of the damage done to soft surfaced areas especially in areas of high footfall associated with attractions. This is discussed in section 'B' of the report. Any damage to soft landscaping will be restored at no cost to the Council.

non-material considerations

- Not enough information provided within application to make informed decision.

Conclusion in relation to identified material considerations

The proposal with the conditions attached fully addresses the material considerations as set out above.

Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan.

The development will have a minor temporary effect on the immediate listed buildings and further conservation area. The Christmas markets, rides and associated kiosks will bring an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre.

On balance, these benefits are a considerable material consideration and outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings, historic green spaces and they provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposals comply with the NPF4 and Edinburgh Local Development Plan.

The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Planning permission is hereby granted for the proposal for the period between the 30 October 2023 - 19 January 2024.
2. The temporary market and other attractions hereby approved shall only be operational between the hours of 10am and 10pm on the dates specified in Condition 1.
3. The temporary buildings, attractions, installations and associated temporary structures and plant hereby approved shall be removed from the site in their entirety by no later than two weeks after expiry of the temporary planning period, the 19th of January.
4. No development on site may begin without written consent from Edinburgh Council Planning Authority. At least 3 days written notice shall be given to the Planning Authority of the date of commencement of the tree protection measures to be carried out. Following the completion of the tree protection measures and prior to development commencing on the site the operator shall write to the Planning Authority confirming that the tree protection measures have been completed. No development shall commence on site unless and until an arboricultural specialist from the Council's Parks and Greenspace Section or a representative authorised by them, has inspected the completed tree protection measures and subsequently written confirmation has been received from the Planning Authority that the completed tree protection measures are acceptable.

Access shall be made available to officers of the Council's Parks and Greenspace Section or a representative authorised by them, to carry out site survey/monitoring checks of the tree protection measures being carried out.

5. Prior to the commencement of development, the applicant must provide a boundary strategy to ensure the public safety in and around the site. Prior to development commencing on the site the operator shall submit a boundary strategy to the Planning Authority. At least 3 days written notice shall be given to the Planning Authority of the date of development. If it is deemed that the strategy is acceptable the applicant will receive a written response from Edinburgh Council Planning Authority allowing development to begin.

1. In recognition of the temporary nature of the proposal.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In recognition of the temporary nature of the proposal.

4. In the interests of safeguarding trees which make a significant contribution to the character and amenity of the area. To comply with the Local Development Plan policy Env 12.
5. In the interests of public safety.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 12 September 2023

Drawing Numbers/Scheme

1 - 2a, 3 - 5

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

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 25 September 2023

NAME: Parks and Greenspace

COMMENT: No comment.

DATE:

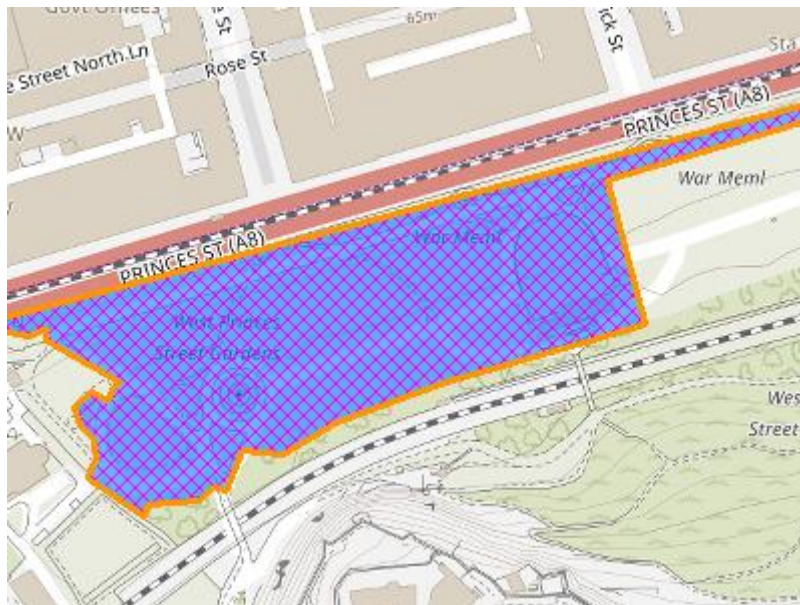
NAME: Edinburgh World Heritage

COMMENT: Do not support the proposals due to the harmful impact on the OUV of the World Heritage Site.

DATE:

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Planning Permission STL
101 Rose Street South Lane, Edinburgh, EH2 3JG.**

Proposal: Internal alterations and proposed change of use from Class 4 offices to three one-bed short term let units.

**Item – Committee Decision
Application Number – 23/03613/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Given the significance of the issue of short term lets to the public interest at present, the Chief Planning Officer considers this application should be decided by 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 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 proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with NPF 4 policy 30(e) and LDP policy Hou 7.

The proposal complies with the provisions of the Development Plan.

SECTION A – Application Background

Site Description

The application property comprises a four-storey office building accessed via a door entrance on Rose Street South Lane.

At the ground floor level there is no office accommodation. The property has small offices across the first, second, and third floor of the building. The offices are accessed via a stairwell that provides no access to any other units.

The property is located in a mixed-use area, that is predominantly commercial. The property is located adjacent to Rose Street, which is characterised by a range of commercial uses including bars and restaurants.

The application site is located within the City Centre, The New Town Conservation Area and Edinburgh's World Heritage Site

Description of the Proposal

The application is for a change of use from Class 4 offices to three, one-bed short term let units. Internal alterations proposed include the blocking of existing doors, creation of new door openings and the creation of new partitions to accommodate the STL operation. There are no external alterations proposed.

Supporting Information

A planning statement was submitted in support of the application.

This is available to view on the Planning and Building Standards Online Service.

Relevant Site History

03/01021/FUL

101 Rose Street Lane South

Edinburgh

EH2 3JG

Change of use to private residential dwellings and internal alterations. Installation of metal railings and gate

Refused

10 October 2003

Other Relevant Site History

10/02386/FUL

103 Rose Street Lane North

Edinburgh

EH2 3DX

Change of use from office to residential

Refused

11 November 2010

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 18 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 25 August 2023

Site Notices Date(s): 22 August 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

The New Town Conservation Area Character Appraisal states that it 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 from offices to three short term let units 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 do not harm the conservation area. Therefore, it is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 and Edinburgh World Heritage Site

There are no external alterations proposed. The proposed change of use from offices to three short term let units will not have 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 proposal is acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. The proposals will have a negligible impact on the global climate and nature crisis.

NPF 4 Policy 30 seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with our net zero and nature commitments, and inspires people to visit Scotland. Criterion 30 (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 accessed by a door entrance on Rose Street South Lane.

The nearest residential property is approximately 7 metres to the west at 11 Castle Street and approximately 15 metres north at 114 Rose Street South Lane.

The surrounding area is predominantly commercial in character with high levels of pedestrian activity. The property is in close proximity to a range of other commercial uses, including bars and restaurants on Rose Street and serviced accommodation directly north of the property at 103 Rose Street South Lane. The commercial uses in the surrounding area are of a nature that contribute to high ambient noise levels during the daytime and nighttime.

As a result, an STL use in this location will not have a significant detrimental impact on the amenity or character of the surrounding area.

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

Loss of residential accommodation:

The current lawful use of the application property is office use. Therefore, NPF4 policy 30 e part (ii) is not applicable to this application.

Parking Standards

There is no parking available at the property. Cycles could be parked inside the property.

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

Previous Planning Decisions

The application property was refused planning permission in 2003 (reference 03/01021/FUL) for a change of use to private residential dwellings. It was considered the proposal would fail to provide adequate level of daylighting, privacy and give rise to potential noise nuisance concerns that would have a detrimental impact upon the residential amenity of prospective occupiers.

Additionally, the neighbouring property at 103 Rose Street South Lane was refused planning permission in 2010 (reference 10/02386/FUL) for a change of use from office to residential. It was considered the introduction of further residential uses into this city centre location is likely to give rise to amenity issues in relation to noise.

These previous planning decisions demonstrate that a residential use raises issues of amenity in this location.

Conclusion in relation to the Development Plan

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

The proposal complies with the provisions of the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

One support comment.

material considerations

- Improve the appearance of the property.

non-material considerations

- Street requires a refurbishment. This is not a material planning consideration.
- Bins and rubbish in the area. This is a matter for waste services.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

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

The proposal complies with the provisions of the Development Plan.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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

Reasons

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 August 2023

Drawing Numbers/Scheme

01 - 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

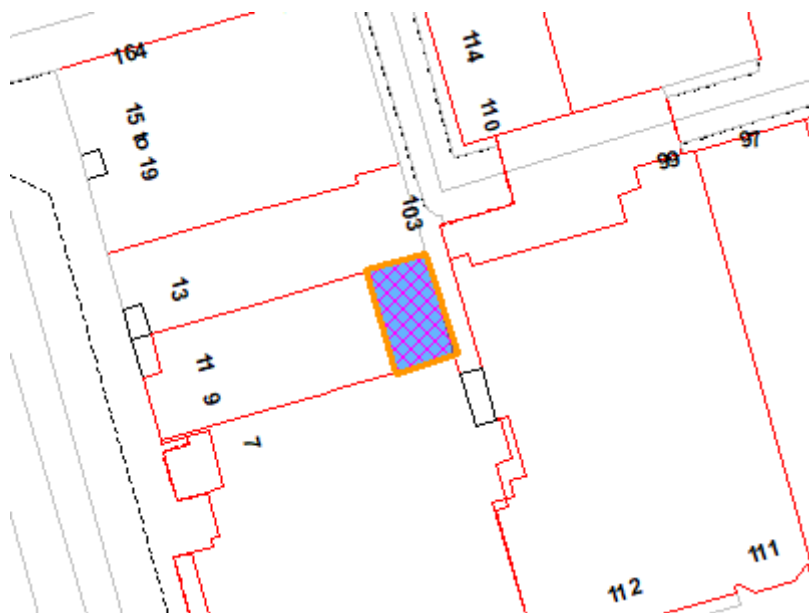
Contact: Craig Turnbull, Assistant Planning Officer
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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

St Andrew Square Gardens, St Andrew Square, Edinburgh.

Proposal: Proposed installation of a Spiegeltent for use as a performance space for Santa's Stories. A storytelling experience with Santa for children as part of Edinburgh's Christmas 2023.

Item – Committee Decision

Application Number – 23/04199/FUL

Ward – B11 - City Centre

Reasons for Referral to Committee

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

Recommendation

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

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposal would result in minor harm to the setting of neighbouring listed buildings for the temporary period of time in which the development would exist on site. Notwithstanding, it is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise principally because of it being located within the city centre where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature of the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport due to the central city centre location.

On balance, the benefits outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act, the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not adversely impact on residential amenity. The proposals comply with the National Planning Framework 4 and the Edinburgh Local Development Plan.

The proposal, subject to the conditions stated, is considered to be acceptable. There are no detrimental impacts on equalities or human rights. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal relates to the south eastern corner of St Andrew Square, surrounded by a mature tree backdrop. George Street lies to the west of the site, whilst St Andrew Street is adjacent on the eastern boundary. The application site lies within a dense urban area in the city centre.

A number of category A listed buildings are within close proximity to the site, as listed below:

- Melville's Monument (LB27816);
 - Bank of Scotland, 39 St Andrew Square (LB29707);
 - Royal Bank of Scotland, 42 St Andrew Square (LB29708);
 - 3 St Andrew Square (LB29696).
-
- The site is also located within the following significant designations:
 - Old and New Towns of Edinburgh World Heritage Sites;
 - New Town Gardens and Dean Historic and Designed Landscape;
 - New Town Conservation Area;
 - Open Space.

Description of the Proposal

The proposal seeks to erect a small Spiegel tent in the south east corner of St Andrews Square. The tent would have a capacity of 192 people, set up with fixed bench seating in a theatre style. The structure would be used for Santa Stories daily. The tent would be an accessible venue with ramped access via the fire exit and stair access to the front. Permission is sought for a one year period. The time period is as follows:

- Set up: 6 -17 November 2023
- Operational: 18 November 2023 - 6 January 2024
- Take down: 7 - 14 January 2024.

Shows would be held every 30 minutes between 1000 and 2100 daily, operating under a Public Entertainment License.

This proposal forms part of a suite of four applications for a Christmas Festival across the city centre. The three remaining applications are located at West Princes Street Gardens, East Princes Street Gardens and George Square/ Castle Street.

Relevant Site History

13/04041/FUL
St Andrew Square Gardens
St Andrew Square
Edinburgh

Spiegeltent, bar, market stalls, nativity scene, box office, fairground rides and associated site office, stores, and ancillary facilities.

Granted

25 November 2013

14/03914/FUL
St Andrew Square Gardens
St Andrew Square
Edinburgh

Erect ice rink, Spiegeltent, bar, market stalls, nativity scene, box office, fairground rides and associated site office, stores, and ancillary facilities.

Granted

7 November 2014

Other Relevant Site History

This application is part of a wider proposal including 23/04143/FUL, 23/04142/FUL and 23/04144/FUL.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Parks and Greenspace

Environmental Protection

Edinburgh World Heritage

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

Publicity and Public Engagement

Date of Neighbour Notification: 12 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

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: Setting

Listed Building and Setting

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

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

The proposed tent would be located within close proximity to many listed buildings including those that are category A-listed. The scale, positioning, form and design of the temporary structures would have a minor detrimental impact on the setting of these A-listed structures. The proposal is for a temporary period of a known duration and the impact on the setting of these listed buildings would be short term.

Dividing the event into four separate locations in the city has diminished the concentrated scale of the current proposal. The impact on a single environment has been reduced from previous years and consequently the impact on the heritage assets is not as profound as in previous years.

Given that there would be some minor harm to the setting of listed buildings, consideration is required to be given to whether there are significant material considerations that justify the development in this location; and if so, does this outweigh any adverse impacts.

It is considered that there are significant economic and cultural benefits to the city resulting from the Christmas Festival, which arise because of its location within the city centre, where high footfall land uses are encouraged. The Christmas Festival will be an interesting additional feature to the city centre, that people from Edinburgh and beyond will benefit from. It will contribute positively to the life of the city and improve the vibrancy of the city centre. It is likely to draw people to the city centre who might not otherwise go there and therefore there will be economic benefit to surrounding businesses.

On balance, these benefits, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the setting of neighbouring listed buildings and provide reasoned justification for granting planning permission for the proposed development on the site.

Conclusion in relation to the listed building

The proposal would have a minor temporary adverse impact on the setting of the neighbouring listed buildings. As the proposal is temporary and the development is non-permanent it is therefore acceptable with regard to section 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

Conservation Area

The scale of the proposed temporary development is considerably smaller than some previous Christmas markets that operated solely within East Princes Street Gardens. The development has been divided between four locations which has seen the effect of development being mitigated to some level.

Between the reduction in scale and form and the temporary nature of the development, the cumulative impact on the character and appearance of the conservation area is not significant enough to refuse planning permission.

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

Overall, the proposal would have a minor temporary adverse impact on the character and appearance of the Old and New Town Conservation Area. As this effect is minor and temporary it is therefore acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Place Policies 4 and 7
- LDP Delivering the LDP policies Del 2;
- LDP Design policies Des 1, Des 4 and Des 5;
- LDP Environment policies Env 12 and Env 18; and
- LDP Shopping and Leisure policies Ret 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration.

Listed Buildings

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

Conservation Area

Overall, the development does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area, allowing it to comply with NPF4 Policy 7.

World Heritage Site

NPF4 states that "development proposals affecting a World Heritage Site, or its setting will only be supported where their Outstanding Universal Value is protected and preserved".

Edinburgh World Heritage stated that whilst the impact is temporary in nature, the proposals would constitute notable harm to the OUV of the World Heritage Site and they therefore cannot support the application.

Due to the size, scale, positioning, form and the design and appearance, the proposal would temporarily impact on key views within the World Heritage Site. Notwithstanding, by splitting the event into four separate events across the city, the scale of the proposal is relatively small and consequently the impact on the heritage assets is not profound. Given this and the fact that the proposal is for a temporary period of a known duration, the impact on the OUV of the World Heritage Site would be short term and not significantly detrimental.

In addition to the other three proposals by the applicant and other known developments in the city centre, owing to its size, form and temporary nature the cumulative impact on the character and appearance of the OUV of the World Heritage Site is not considered significant.

Therefore, given the temporary nature of the proposal and the contribution to the City's cultural offering and economic recovery, it is considered to comply with NPF4 Policy 7.

Historic Gardens and Designed Landscapes

St Andrew Square lies within the New Town Gardens and Dean Historic Gardens and Designed Landscape. Owing to the proposal's size, scale, positioning, form and their design and appearance, the temporary structure would disrupt key views and thus would harm the character and appearance of the Historic Gardens.

On balance, the benefits discussed prior, which are significant material considerations, outweigh the temporary adverse impact that the proposal will have on the Historic Gardens and Designed Landscapes, justifying the proposal be granted for planning permission at this site. It is considered that the proposal protects the policy requirements of NPF4 Policy 4 as it will help retain and protect the fabric of the city's historic green spaces and designed landscaping.

Trees and soft landscaping

The current site area occupies a small area of the gardens and therefore the soft landscaping restoration/remediation will be minor at the end of the decommissioning phase. The effects are reversible and not considered to be significantly detrimental to amenity. The restoration of the area is a matter for the applicant and the owner of the site who in this instance is Essential Edinburgh.

Therefore, there is no requirement to secure restoration/remediation works through a planning condition for soft landscaping.

The tent is located outwith any Tree Protection zone.

Use

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

The LDP supports a mix of uses appropriate to the location of the site, the accessibility and the character of the surrounding area. Development which lies within the City Centre will be supported which retains and enhances its character, attractiveness, vitality and accessibility, whilst contributing to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

There are no development plan policies or non-statutory guidelines that directly relate to proposals for outdoor markets/attractions.

The proposal would not prevent the continued existing use of the public garden or the remainder of St Andrew Square. The effect of the proposed development on the leisure value and enjoyment of the part of the Square is not permanent and is reversible. The temporarily change of use of the site would not result in the permanent loss of open space provision does not conflict with the key principles of LDP Policy Env 18.

The principle of development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal will help the city centre fulfil its role as a capital city. Given that the proposed Christmas Festival is temporary they do not conflict with the key principles of LDP Policy Del 2. The development is considered acceptable given the temporary nature of the proposal and is supported in this location. The proposal complies with LDP Policy Ret 7.

Amenity

Due to the nature of the proposal, there may be a large number of people in attendance at one time. The site is however within a city centre location and the proposal is for a temporary period. The Council's Environmental Protection Section have previously advised that if any complaints about noise were received, they would address this directly with the event organiser.

The proposals would not give rise to significant harm to the amenity of neighbouring properties including residences. It is considered that the proposal complies with LDP Policy Des 5.

Transport

No roads are required to be closed to facilitate the proposed development. The proposal raises no road safety or pedestrian safety issues including in respect of the number and location of entrance and exit points and access for wheelchair users. Access to the remainder of the Square, including for pedestrians and wheelchair users, will be maintained.

The site is exceptionally well placed for public transport and is located next to a local centre where high footfall land uses are encouraged. Consequently, the proposal does not raise any significant parking issues or public transport issues.

Archaeology

No groundworks are required to facilitate the proposal and therefore there is no potential for impacts on underground archaeology.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and given the temporary nature of the proposal, is supported in this location. There are no material considerations that would outweigh this conclusion.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

The application received three public representations. A summary of the representations is provided below:

material considerations

- The proposal will have a detrimental impact on the soft landscaping
- No detail on how footfall will avoid Tree Protection Areas
- External illumination will be detrimental to wildlife
- No detail on how the tent would be powered - if by diesel generator this is contrary to Councils ambition of achieving Net Zero targets by 2030. There is on site power in this location and therefore no generators are required.

- There are multiple high value trees in St Andrew Square and these are not recorded on plans therefore it is difficult to show if the RPA's will be impacted. No assurance how these trees will be protected during construction, operation and take down. A Tree Protection Plan has since been submitted to support the application. The impact on trees is further discussed in section 'B'.

non-material considerations

- Not enough information provided within application to make informed decision.
- No detail showing that the proposal would not be responsible for soil compaction.

Conclusion in relation to identified material considerations.

The proposal with the conditions attached fully addresses the material considerations as set out above.

Overall conclusion

The proposal is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with the development plan.

The development will have a minor temporary effect on the surrounding listed buildings and conservation area. The Christmas Festival will contribute positively to the life of the city and the vibrancy of the city centre. Moreover, the site is exceptionally well placed for public transport owing to it being within the city centre.

On balance, these benefits are a considerable material consideration and outweigh the short-term adverse impact that the proposal will have on the setting of neighbouring listed buildings, historic green spaces and they provide reasoned justification for granting planning permission for the proposed development on the site. With reference to the abovementioned Act the proposal does not result in significant harm to the character and appearance of the conservation area.

The proposal does not result in significant harm to the character and appearance of the designed landscape or the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. The proposed development is for a temporary period and will not have a long-term impact on the site and will not have an adverse impact on residential amenity. The proposals comply with the NPF4 and Edinburgh Local Development Plan.

The proposed temporary nature of the development is considered acceptable in this location. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. Planning permission is hereby granted for the proposal for the period between 6 November 2023 - 14 January 2024.
2. The temporary attraction hereby approved shall only be operational between the hours of 10am and 9pm.
3. The temporary structures hereby approved shall be removed from the site in their entirety no later than 14 January 2024.

Reasons

1. In recognition of the temporary nature of the proposal.
2. In the interests of safeguarding the amenity of neighbouring noise sensitive properties.
3. In recognition of the temporary nature of the proposal.

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 15 September 2023

Drawing Numbers/Scheme

1 - 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Nicola Orr, Planning Officer
E-mail: nicola.orr@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 25 September 2023

NAME: Parks and Greenspace

COMMENT: No comment.

DATE:

NAME: Environmental Protection

COMMENT: No objection.

DATE: 3 October 2023

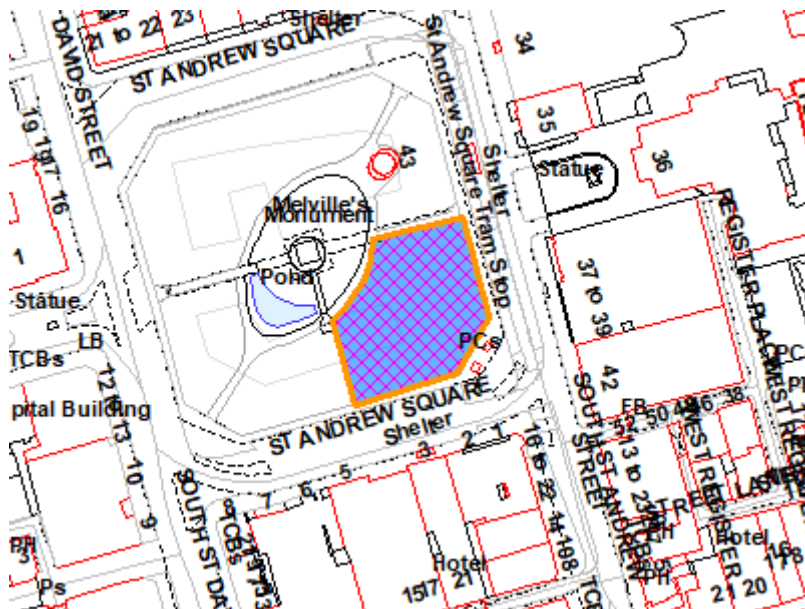
NAME: Edinburgh World Heritage

COMMENT: Cannot support the proposals due to the harm on the OUV of the World Heritage Site.

DATE:

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

**Application for Planning Permission STL
4 Sunbury Street, Edinburgh, EH4 3BU'**

Proposal: Change of use of an existing residential property which has been used as a short term let since 2016 to a permanent short term let (in retrospect).

**Item – Local Delegated Decision
Application Number – 23/03911/FULSTL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application has been referred to Development Management Sub-Committee because the application has attracted more than 20 letters of support, and the recommendation is for refusal. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve 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 site is a one-bedroom flat at the first floor level of a two-storey block at 4 Sunbury Street, Dean Village. The property has its own main door access but shares a passage and a set of access steps with four other properties in the block. The floor area is 23 square metres. There is no shared amenity space. The property is on the second floor of a two-storey block but adjoined to an eight-storey residential block. The surrounding area is predominantly residential.

The site lies within the Dean Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application is for a change of use from residential to permanent short term let (sui generis). No internal or external physical changes are proposed. The applicant has advised that the property has been used as a short term let since 2016. Therefore, the application is retrospective.

Supporting Information

Planning Report.

Relevant Site History

22/04981/FULSTL

4 Sunbury Street

Edinburgh

EH4 3BU

Retrospective change of use from residential to short term let (Sui-Generis).

Refused

2 May 2023

Other Relevant Site History

No other relevant planning site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 4 September 2023

Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 8 September 2023
Site Notices Date(s): 5 September 2023
Number of Contributors: 36

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 Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

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

Conclusion in relation to the conservation area

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

- NPF 4 Sustainable Places Policy 1.
- NPF 4 Historic Assets and Places Policy 7.
- NPF 4 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 and Edinburgh's World Heritage Site

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

Proposed Use

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

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

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

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

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

Amenity

The application property has its own main door access and shares a set of steps and a passageway with four other properties in the block. The steps lead down to the main street. It is on the second floor level of a two storey tenement and adjoined to an eight-storey block which is entirely residential. The surrounding properties are predominantly residential. Consequently, the character of the street is fairly quiet with low ambient noise levels.

The applicant has submitted a planning statement referring to NPF 4 Policy 30 (e). In terms of amenity the statement asserts that the application property is small, self-contained with its own entrance therefore will have no impact on residential amenity. The statement confirms that the property is located in a predominantly residential area with very few STLs and is well managed.

Although it has its own main door access, the application property shares a set of steps and a passageway with four other flats. The use of this property as a short term let would have the potential to introduce an increased frequency of movement to the flat at unsociable hours. The proposed one bedroom short stay use would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home. There may also be a negative impact on community cohesion.

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

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

Loss of residential accommodation

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

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

The applicant's planning statement refers to the loss of residential accommodation. It asserts that as the property is small with minimal storage space, it has limited appeal as a family home. It states that the potential loss of the property as a residential unit would be far outweighed by the loss of an STL within the tourist sector. It also suggests that STL use attracts visitors that will support local amenities, visit local restaurants, shops, cafes and bars and generally make a positive contribution to the local economy.

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

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

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

Car Parking

There is no off-street car parking available within the site. The site is accessible by public transport within a 10 minute walk. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

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

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.

Independent economic impact assessment

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

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

Public representations

36 representations.

2 objections. 34 in support. 17 representations in support of the application did not provide reasons for their support.

A summary of the representations is provided below:

material objections

- Negative impact on residential amenity (including community cohesion). Addressed in b) above.
- Negative impact on housing stock. Addressed in b) above.

non-material objections

- There are too many STLs in the area. Each application is assessed on its individual merits.

material support

- Property is self-contained and has own main door. Addressed in b) above.
- Property is situated in a quiet residential area. Addressed in b) above.
- Property has limited use as a permanent dwelling. Addressed in b) above.
- STLs contribute to the economy. Addressed in b) above.

non-material support

- Cheaper alternative for tourists. This is a marketing issue and not a material planning consideration.
- City and local area needs STLs. Each application must be assessed on its merits.
- STLs prevent flats from being empty.
- There is on-site management.
- The flat is in excellent order.
- Convenient and ideally located.

Conclusion in relation to identified material considerations

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve the character or appearance of the conservation area.

The change of use of this property to an STL will have an unacceptable impact on neighbouring amenity. 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;

Reason for Refusal: -

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 August 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

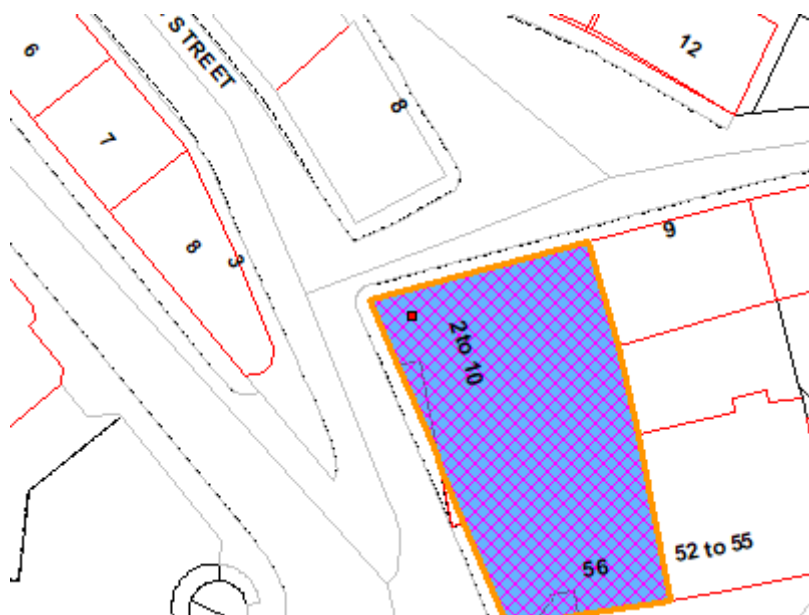
Contact: Lesley Porteous, Planning Officer
E-mail:lesley.porteous@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee

10.00am, Wednesday 25 October 2023

Protocol Note for Hearing

Land 93 metres west of Madelvic House, Granton Park Avenue, Edinburgh – The development of a sector-leading national centre for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. Proposed visitor and community-led spaces will maximise public access and facilitate a programme of education and outreach programmes which make full use of benefits including active public realm spaces (incl. pop-up cafe use) and bio-diverse landscaping, new /improved access, parking, and all other associated works – application no. 23/01068/FUL

Land East of Granton Art Centre, 242 West Granton Road, Edinburgh – Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works – application no. 23/01359/FUL

Report number	6.1
Wards	B4 – Forth

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees TBC	10.40 – 11.00
3	Ward Councillors Councillor Cammy Day Councillor Sanne Dijkstra-Downie Councillor Stuart Dobbin Councillor Kayleigh O'Neill	11.05 – 11.10 11.15 – 11.20 11.25 – 11.30 11.35 – 11.40
4	Break	11.40 – 11:55
5	Applicant and Applicant's Agent Avison Young Ltd	12.00 – 12.15
6	Debate and Decision on Application by Sub-Committee	12.20

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can view the meeting via the webcast to observe the discussion.

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Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

Land 93 metres west of Madelvic House, Granton Park Avenue, Edinburgh.

Proposal: The development of a sector-leading national centre for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. Proposed visitor and community-led spaces will maximise public access and facilitate a programme of education and outreach programmes which make full use of benefits including active public realm spaces (incl. pop-up cafe use) and bio-diverse landscaping, new /improved access, parking, and all other associated works.

Item – Committee Hearing

Application Number – 23/01068/FUL

Ward – B04 - Forth

Reasons for Referral to Committee

NPF4 designates Edinburgh Waterfront as a National Development in which this site sits. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh and is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments.

The application is referred to the Development Management Sub-Committee as the site is within the National development Area and requires the planning application to be considered by a pre-determination hearing.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide indoor and outdoor amenity space for use by local residents. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site and create a positive setting for the building. Transport generation, car and cycle parking proposals are acceptable.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site description

The Site is located to the south of Waterfront Avenue and north of West Granton Road. It is irregular in shape and extends to approximately 4.1 hectares. It comprises vacant brownfield land; parts of Waterfront Avenue are included within the site boundary. Existing site levels generally fall from the west to the east side, with a maximum level of approximately 20.0m (AOD) and minimum level of approximately 15.8m AOD. There is an average slope of 1-in-100 from west to east across the site. A 230m long, 2.5m high earth mound is located along the northern boundary of the site with land within the site fronting Waterfront Avenue higher than the existing pavement level. There is an existing (closed) vehicular access off Waterfront Avenue opposite Saltire Square. Land rises up towards West Granton Road at the southern end of the site (linking land to planning application 23/01359/FUL). Granton Park Avenue runs through the southern part of the site which provides vehicular access to the site and to the United Wire building at the rear. There is an existing private tarmac car park directly to the south of Granton Park Avenue. Other areas of the site comprise tarmacked areas with some storage and areas of natural vegetation. There are a number of trees within the site.

To the north of Waterfront Avenue uses comprise predominantly residential development, with Saltire Square being opposite the site. Beyond this further to the north is industrial land and the shorefront. The existing storage buildings for National Museums Scotland, and National Galleries of Scotland are located in the adjacent site to the south and west. To the east is the listed Madelvic Factory and United Wire premises on Granton Park Avenue. To the west is the pedestrian/cycle route known as 'the Diagonal'.

The local centre is located further to the west of the site at Waterfront Broadway, comprising of a Morrisons store and other retail facilities. To the south and south east are retail/commercial units of Lidl, B&M and a bakery alongside other small scale local stores around West Granton Road. Further to the south of West Granton Road use is predominantly residential, comprising the existing communities of Granton and Pilton. There are existing bus stops close to the site on Waterfront Avenue, and West Granton Road.

There are a number of listed buildings within the vicinity of the site. Directly to the east is the former Madelvic works, office production block and generating block, which includes the administrative block/Madelvic House. These are category B listed (ref: LB45654, listed 16th September 1998).

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

The A listed Caroline Park House (ref: 28040, listed 14 July 1966) and the B listed dovecot and boundary wall (originally part of the former Granton Castle/Granton House) (ref: 28139, listed 14 December 1970) lies further to the west of the site on the opposite side of Waterfront Avenue.

Proposed development

The proposed development involves regrading of land and level changes. A new building is proposed to the north of the site fronting Waterfront Avenue. It has a total floorspace of approximately 11,956 sqm, with two floors and comprises four linear blocks of varying lengths aligned in a north-south direction and connected by an internal street running east-west. Each of the four linear blocks have mono pitched roofs.

The proposed use of the building is for a collection, storage, conservation and research facility for the National Galleries of Scotland. It will include space for public and community uses, including collection viewing rooms and study spaces, a community studio, community support space and further education/ learning rooms. Ancillary uses such as catering facilities, and external pop-up cafe kiosks are also proposed. The main storage areas are to the first floor and the southern part of the building on the ground floor.

Solar PV panels are proposed to the roof with an area of approximately 650sqms. The building is designed to PassivHaus standards.

The building is set within a landscaped environment with an area of hard surface in the form of a plaza to the west of the proposed building. The landscaped areas include a new north/south green route directly linking West Granton Road with Waterfront Avenue, and a new east/west route to the south of the proposed building.

Trees will be removed from the site, with the retention of some groups along the western boundary. The proposed new landscaped areas include new tree planting, attenuation areas next to the part west and part south elevations of the building, wildflower meadows, grassed areas, terraces/landscaped forms, and spaces for public art. An area of allotments and community planting is proposed to the south of the building.

The proposed open spaces have been arranged to allow a wide range of uses. These include the opportunity to erect market stalls on the entrance plaza, temporary pavilions and marquees, and to utilise the gable ends of the building for film screenings and projections. The space will also be used to display artworks. The open areas will be lit by luminaires which are 5m and 8m high. Totem poles and wayfinding signs are included in the layout.

Vehicular access to the site is proposed from the east along Granton Park Avenue, to the rear of the proposed building. Vehicular service access is also provided to the United Wire Building. The car park is located to the south of the building and will have 27 car parking spaces including five EV charging points, and three accessible spaces. This will be controlled by an access barrier. It will be enclosed by a 4m high security fence and gates. Sixty four cycle parking spaces are proposed (comprising 34 short term and 30 long-term spaces) and provision is made for a future bike hire. The existing vehicular access off Waterfront Avenue will be surfaced as footpath and grass. Part of the existing planting along Waterfront Avenue will be removed and replaced with grasscrete to make provision for emergency vehicle use.

Proposed materials are: Aluminium Profiled Panel, Aluminium Polished Sheet, Standing Seam Roof, Pre-Cast Concrete Panel and fencing. Surface materials proposed are artificial stone near the Madelvic listed building, the perimeter of the building and the entrance plaza. The majority of the pedestrian and cycle routes, and main vehicle circulation routes are proposed as standard asphalt surfaces, as are the main vehicular circulation routes. Car parking spaces will be paved with permeable pavers, incorporating grass strips. Concrete is proposed to the surface yard.

An attenuation tank is proposed underneath the proposed car park with a capacity of 750 cubic metres.

Supporting documents:

- Design & Access Statement;
- Landscape Design & Access Statement;
- Pre-application Consultation Report;
- S1 Sustainability Form ;
- Ecological Appraisal Report;
- Transport Assessment;
- Travel Plan;
- Cultural Heritage Desk-Based Assessment;
- Noise Impact Assessment;
- Glint & Glare Analysis;
- Flood Risk Assessment;
- Drainage Strategy Report;
- Generic Quantitative Risk Assessment and Remedial Strategy;

- Updated Desk Study and Interpretative GI Report and
- Tree Survey & Arboricultural Report.

Relevant Site History

22/02899/PAN

Land 93 metres west of Madelvic House

Granton Park Avenue

Edinburgh

The development of a sector-leading national centre for the care, conservation, research, storage and distribution of Scotlands collection of artworks, visitor and community-led spaces, active public realm spaces (including potential pop-up café use) and bio-diverse landscaping, new/improved access, parking and all other associated works.

Pre-application Consultation approved.

13 June 2022

00/01169/OUT

11 West Shore Road

Edinburgh

EH5 1RH

(4 Marine Drive/ 11 West Shore Rd) Outline planning permission for mixed use development (including retail, food and drink, public house, residential, education, business, leisure/assembly/hotel, open space, and assoc. landscaping)(as amended) Granted

28 February 2001

16/06013/FUL

Madelvic House

Granton Park Avenue

Edinburgh

Conversion and upgrade of existing offices to community facilities, including ancillary cafe. Change of use from class 2 to class 10 with ancillary class 3 use. Internal alterations and to reinstate openings to the rear of the building.

Granted

23 January 2017

16/05948/LBC

Madelvic House

Granton Park Avenue

Edinburgh

Conversion of existing office space into community facilities with associated ancillary cafe and the reinstating of openings to the rear of the building (currently infilled with blockwork) and installation of exterior doors.

Granted

1 February 2017

17/01717/FUL
Former Production Block
Madelvic House
Granton Park Avenue
Edinburgh

Community garden on existing brownfield site, comprising a biodiversity garden, raised community growing beds, two shipping containers for artists materials, a summer house, bark chip footpaths, and new timber perimeter fence with access gates (temporary consent for a period of 5 years).

Granted
15 June 2017

21/04049/FUL
Land 199 Metres Southeast Of
1 Waterfront Avenue
Edinburgh

Mixed use development to include (approximately) 75 residential units and (approximately) 3 commercial units. The commercial units will be either class 1 (shop), class 2 (financial, professional and other services), class 3 (food and drink) or class 4 (business). The development will include limited parking spaces, access road and pavements, internal courtyard, an energy centre (including an air source heat pump station) and drainage infrastructure. (As Amended).

Granted
10 March 2022

23/02215/PAN
Site 250 Metres East Of 11 West Shore Road
Edinburgh

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

Pre-application Consultation approved.
9 June 2023

22/06290/FUL
Land 80 Metres West And East Of Saltire Street
Edinburgh

Proposed Phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape (as amended scheme 3).

23/01359/FUL
Land East Of Granton Art Centre
242 West Granton Road
Edinburgh

Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works.

Other Relevant Site History

1 May 2016 - The Granton National Collections Facility Place Brief was approved.
26 February 2020 - The Granton Development Framework was approved.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

SEPA

Scottish Water

NatureScot

City Archaeology

Environmental Protection

CEC Economic Development

Historic Environment Scotland

Edinburgh Airport Safeguarding

Transport Planning

Health and Safety Executive

Police Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 30 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 April 2023

Site Notices Date(s): 31 March 2023

Number of Contributors: 8

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 - setting

Section 59 (1) and (3) of the Listed Buildings and Conservation Areas Act provides:

"(1) In considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

(3) In this section, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character, and 'development' includes redevelopment."

If listed buildings or their settings are affected, it is necessary to consider whether the proposed development would adversely affect any of the listed buildings on the site, or any features of special architectural or historic interest which they possess, or the setting of any listed building outwith the site.

If it is found that the development would adversely affect any listed buildings, a strong presumption against the proposed development arises and it is necessary then to consider whether this development is an exceptional case where the presumption may be overridden in favour of development which is desirable on the ground of some other public interest.

The Category B Listed former Madelvic Works, Office, Production Block, and Generating Block (LB: 45654) lie to the east of the proposed development site. The importance of these buildings lies in their historic interest as they were designed for the Madelvic Motor Carriage Co Ltd and are probably the earliest purpose-built motor works in Britain (Collins and Stratton). The Production block, is located directly to the east of the site and is in a fairly poor state of repair. Constructed in 1899 it comprises two ranges of two storeys linked by central single storey range to form a rectangular plan. The building is constructed in engineering brick with red sandstone dressings. The office building which lies further to the east, dates from 1899, and is two storey with original symmetrical three bays and is constructed in red brick with red sandstone dressings and a grey slate roof.

The proposed development would lie in close proximity to these listed buildings, separated from the production block by a footpath corridor with landscaped areas and cycle parking. The proposed building would sit forward of the front elevation of the listed production block and would be higher by approximately 3.2 metres at maximum roof pitch height. Given the overall height of the proposed development in relation to the listed buildings and its separation from the listed structure by a landscaped pedestrian walkway, the impact of the building on the setting of the listed buildings is acceptable. The building, layout, heights and design elements do not cause it harm and focus will still remain on the primary elevations of the building; this has been demonstrated by the applicant through a number of views. As part of a programme of regeneration, the setting of the listed building will be preserved by bringing vacant brownfield site into use and adding value to an unkempt area of land.

The category B listed Gas Holder (reference: LB45793, listed 10 November 1998) is located further north west of the site. Its environment has been altered in recent years with the demolition of the majority of the associated gas works buildings, and the ongoing re-development of the locality for a variety of uses. The outline of the Gasholder can be viewed from the rear (south) part of the site on Granton Park Avenue. Glimpses of the Gasholder will be visible from parts of the site following the development. There would be no adverse impact on its setting.

Caroline Park House is category A listed and is located further west of the site. It sits in its own grounds and it is largely screened by existing dense tree coverage. The location and design of the proposals will not harm its setting. Historic Environment Scotland (HES) raise no objection to the proposal in relation to impact on setting of Caroline Park House and grounds.

None of the listed buildings are considered vulnerable to significant impacts on their settings arising from the proposed development. This site was previously developed and is part of wider longstanding regeneration proposals which has an aim of creating new urban quarters in this part of the city. The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Conclusion in relation to the listed building

Overall, the proposal will not have an adverse impact on the setting of nearby listed buildings. The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

National Planning Framework 4 (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.

NPF4 defines Edinburgh Waterfront as a National Development. This National Development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh. *'The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. Development will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for off-shore energy related to port uses. Further cruise activity should take into account the need to manage impacts on transport infrastructure.'*

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 Climate and Nature Crisis Policies 1, 2, 3, 4, 6;
- NPF4 Historic Assets and Places Policy 7;
- NPF4 Brownfield, vacant and derelict land Policy 9;
- NPF4 Energy Policy 11;
- NPF4 Zero Waste policy 12;
- NPF4 Sustainable transport policy 13;
- NPF4 Successful Places Policies 14 and 15;
- NPF4 Infrastructure Policy 18;
- NPF4 Heating and cooling Policy 19;
- NPF4 Blue and Green infrastructure Policy 20;

- NPF4 Flood Risk and Water Management Policy 22;
- NPF4 Health and Safety Policy 23;
- NPF4 Community Wealth Building policy 25;
- NPF4 Tourism policy 30;
- NPF4 Culture and creativity policy 31;
- LDP Environment Policies Env 12, Env 20, Env 21 and Env 22;
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, and Des 8;
- LDP Transport Policies Tra 2, Tra 3, and Tra 4;
- LDP Delivery Policy Del 1 and Del 3;
- LDP Employment and Economic development Policy Emp 9; and
- LDP Retail and Leisure Policy Ret 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Design and Transport policies and other Environment policies listed above. The approved Granton Waterfront Development Framework (2020) and the Granton National Collection Facility Place Brief (2016) are material considerations.

Acceptability of the Development in Principle

The Development Plan

The Local Development Plan (LDP) identifies the site as forming part of the Granton Waterfront Central Development Area (Proposal EW 2b), a large area allocated for housing-led mixed use development. Development within the Central Development Area of Granton Waterfront is guided by a number of development principles within the LDP. In relation to this site, proposals will be expected to expressly encourage the enhancement of employment and a 'destination' through existing and new commercial, cultural, tourist and retail opportunities. The development of a new cultural facility with associated uses would enhance the Granton Waterfront Central Development Area.

NPF4 policy 9 (Brownfield vacant and derelict land) supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. Local Development Plan (LDP) policy LDP Emp 9 (employment sites and premises) states that proposals to redevelop employment sites for uses other than business, industry or storage will be permitted provided the proposal will contribute to the comprehensive regeneration and improvement of the wider area and will not prejudice nearby employment activities. The site is larger than one hectare and is currently vacant; the proposal would improve the wider area and will result in the enhancement of employment and cultural opportunities which is encouraged in the LDP.

LDP policy Ret 7 (Entertainment and Leisure developments - preferred locations) states that proposals for high-quality, well-designed arts, leisure and entertainment facilities and visitor attractions at Granton Waterfront will be granted provided design is high quality with attractive frontages, is compatible with surrounding uses and will be easily accessible by public transport, foot and cycle. The proposed development will introduce a new art, leisure and visitor attraction, with active frontages, a building design reflecting the historic industrial nature of the area and is in close proximity to existing and proposed public transport links. The proposal complies with LDP policy Ret 7.

NPF4 policy 30 (Tourism) refers to communities and places enjoying economic, social, and cultural benefits from tourism, supporting resilience and job creation. NPF4 policy 31 (Culture and Creativity) sets out that development encouraging, promoting, and facilitating development which supports culture and creative industries will be supported. The Art Works will provide a mix of cultural and community land use in accordance with NPF4 and introduces uses to help create a sense of place in the local area. The proposal will contribute to the local economy and the wellbeing of local residents and visitors.

Public comments have been raised in relation to the displacement of travelling people who use this site. There is a designated gypsy traveller site at Edinburgh Cairntows which is available for use. The potential displacement of the travelling people would not override the aims of redeveloping the area in accordance with LDP and NPF4 policies, and associated Guidance.

The Granton Waterfront Development Framework (GWDF)

The site is located within 'The Link' character area within the Development Framework, the vision for this urban quarter is to be: "a highly interconnected cultural and making area that bridges new and existing neighbourhoods. It should reinforce north to south and east to west views with green routes.....Development should promote: - Culture and learning strategies - Partnership working - green routes, views and connections. - Opportunities for creative industry." The proposals are acceptable in principle in relation to the GWDF.

The Granton National Collection Facility Place Brief (GNCFPB)

The development of this site for the purpose of a National Collection Facility (NCF) is supported.

Principle Conclusion

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land. The principle of the proposed development is in line with LDP objectives and is supported by the Granton Waterfront Development Framework and the approved Place Brief. In principle, the proposal is acceptable.

Impact on setting of listed buildings

NPF4 policy 7C (Historic Assets and Places) states that '*Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.*'

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 policy 7. In addition, the Granton Development Framework requires that 'new development should ensure that existing heritage features are linked and integrated into the wider network of open spaces and new routes. The streetscape should establish views to and protect the setting of existing assets.'

The historic assets within the area have been assessed against the relevant legislation, guidance and NPF4 policies. As set out in section a) above the proposed development would not have any adverse impact on the setting of nearby listed buildings. The proposals comply with NPF4 policy 7c and the Guidance on Listed Buildings and Conservation Areas.

Design, Scale and Layout

LDP Policies Des 1-4 and 7-8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials. The design of any future application will be considered against these policies. NPF4 policy 14 (Design, Quality and Place) sets out that development proposals will be supported where they are consistent with the six qualities of successful places. NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) state that development proposals should contribute to local living.

The approved Granton National Collections Place Brief (GNCPB) and the Granton Waterfront Development Framework (GWDF) principles are material consideration; the Edinburgh Design Guidance is a material consideration in relation to design considerations of the scheme.

The proposal broadly follows the illustrative layout contained within the approved Place Brief (GNCPB). The building sits to the north area of the site with the arrival area to the north/ west and an area of public space to the west of the proposed building, fronting Waterfront Avenue. Proposals should demonstrate how pedestrian and cycle linkages to the south of the site can be achieved. The Framework (GWDF) envisaged a new community space, with public realm to encourage safe, high quality, shared and enjoyable spaces. It sets out that The Link area should be a highly interconnected cultural and making area that bridges new and existing neighbourhoods. Block structure is shown along the north, south and west site boundaries with building frontages shown as active at ground floor. A new cultural plaza is envisaged close to the Diagonal. Heights are to be developed with project partners. New pedestrian/ cycle north/south and a east/ west links are envisaged, together with an aspirational link onto Waterfront Avenue to the northern area of the site with the aim of increasing permeability and reinforcing essential connectivity between Pilton and the Waterfront developments; these are considered key elements of proposals. Potential for green roofs is highlighted.

LDP policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council. The proposal would not prejudice development proposals at the Madelvic site to the east; it is set off the boundary with a landscaped courtyard/ pedestrian route. Other areas of the site are laid out to landscaped areas and these would not prejudice development of neighbouring sites. Sites to the west of the Diagonal are shown with block structures fronting the walkway which will provide an increase in active overlooking if approved in subsequent planning applications. Existing land and buildings to the east and part south will not be prejudiced by the proposed development. The proposal will create a coordinated development, and contribute to the wider regeneration of the area. The proposals comply with LDP policy Des 2.

The proposal complies with NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) as it will enhance the level and quality of interconnectivity of the proposed development with the surrounding area, including sustainable modes of transport, employment, green space, allotments and opportunity for learning. LDP policy Env 20 (Open space in new development) sets out that provision of new publicly accessible and useable open space in new development and improvements to the green network will be negotiated. The proposals will create varied character areas with landscape design providing a mainly soft landscaped setting for access by the public. Areas include the entrance plaza, landscaped terraces, an event lawn, an area for urban gardening and allotments, a wild-flower meadow and areas of amenity grass, and the mobile orchard that is currently on-site as a meantime use. This will create interest, activity and the creation of spaces which the local community can use. Opportunities for public art are identified throughout the public realm, and a community space within the building will provide space for local people to use. This complies with NPF4 policy 31 (culture and creativity) which sets out that proposals that involving art proposals which reflect diversity, culture and creativity will be supported.

NPF4 policy 25 (Community wealth building) is complied with as the development will contribute to local wealth building strategies.

The proposed site layout responds to the safeguarded tram corridor, which runs along Waterfront Avenue and down the western side of the Diagonal shared use path. The main entrance and associated entrance plaza have been designed to have good visual connections to the safeguarded location of the tram stop on Waterfront Avenue, and provide direct access to and from the main entrance of the site.

The proposals comply with LDP policy Des 7 (layout design). The proposed building fronts onto Waterfront Avenue with an active frontage and is in line with the illustrative layout contained within the GWDF in this regard. By creating a public plaza and open space with pedestrian/cycle corridor to the west of the building, this opens up this part of the site for activity and the proposal makes some provision for active frontages facing this area from the west and part south of the building. Active frontages are key in this area; the north elevation, fronting Waterfront Avenue, will provide a feeling of activity to the street frontage and allow views into the internal spaces within the building. It is set up at a higher level than Waterfront Avenue but includes substantial amounts of glazing. Windows are proposed to the part west and south elevations of the entrance block, providing additional surveillance in this part of the site. Due to the internal activities and security there will be no windows to the majority of the south, west and east building elevations. The applicants propose the projection of images on the building which will add interest to the south and west elevations.

The applicant states that the plaza area and adjacent turfed areas allow for activation with events, will form the northern end of the proposed north south pedestrian route and will be visible from Saltire Square creating a safe and active area. In order to increase activity in this area further the applicants propose pop up cafe and allotments/ community garden. The position of the main entrance at the north west of the building maximises its connection with Waterfront Avenue, creating greater visibility of the building, and creating a more prominent building frontage and focal point to the street. The plans include locations identified for future placement of public art and four landmark columns. This is a positive step to announce the entrances to this new facility in terms of sense of welcome and wayfinding.

The design integrates above ground SUDs in line with the Council's Water Vision. The proposal complies with LDP policy Des 8 (public realm and landscape design) as external spaces including public art have been designed to be an integral part of the scheme as a whole.

A network of accessible paths across the site will be provided to link existing communities. This includes links in an east west direction to the south of the proposed building between Granton park Avenue and The Diagonal, and the north south link between Waterfront Avenue and West Granton Road. Alterations of site levels are proposed to provide more level interfaces to the National Museums site as well as to the existing diagonal foot and cycle path. All key routes will have accessible with gradients. Access to the steeper area of land to the southern part of the site (application 23/01359/FUL) will be improved as a result of the proposed development. The proposal is well-coordinated and appropriate to the intended use of the site.

The style of the building is industrial. The blocks are staggered to the south, which break up the massing of the building and provide some sense of enclosure to the service yard at the south east corner. The eastern elevation, where the secondary entrance to the building is located, will have views possible from here along the length of the internal street. The building will have PV's on the roof which have been positioned to minimise visual impact. The external appearance of the building comprises an anodised profiled aluminium rain screen cladding, and glazed curtain walling to reflect the industrial and functional aesthetic. The applicant states that the incorporation of green roofs on the building is not possible due to the proposed use of the building. Viewpoints have been provided of the development in its local and wider context. The proposal will have a positive impact on its setting in accordance with LDP policy Des 4 (impact on setting). It will have a positive impact on the character of the wider townscape and landscape, and on existing views.

The proposals represent sustainable development. The building will be Passivhaus certified, designed to be low energy and include renewable technologies to meet the building's energy demand. This is in accordance with NPF4 11 (energy) and NPF4 policy 12 (zero waste).

Conclusion in relation to design, scale and layout

Overall, the design, scale and layout are acceptable. The design and layout of the proposals comply with the Policy Des 2 (Co-ordinated Development), Policy Des 7 (Layout Design) and meet the development principles set out in the LDP for the site. The height and materials proposed are acceptable for the locality in line with Policy Des 4 (Development Design - Impact on Setting). The proposals comply with NPF4 policy 14 (Design, Quality and Place), NPF4 policy 15 (Local living and 20 minute neighbourhood), and NPF4 policy 25 (community wealth building) and meet design principles set out in NPF4. The proposal is in accordance with NPF4 policies on energy and zero waste. The proposal also generally accords with most of the aims of the Granton Waterfront Development Framework and the National Galleries Collection Facilities Place Brief.

The proposals contribute to the sustainable regeneration of the Granton Waterfront area. They are consistent with the six qualities of place set out in NPF4 bringing an area of derelict brownfield land back into a productive use, with enhancements to provide significant green open spaces, and a cultural and community benefit to the local area.

Climate Mitigation and adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise life cycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 (brownfield derelict and vacant land) intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land. The design incorporates the principles of sustainable design and construction. The building will be Passivhaus certified, designed to be low energy and include commitment to renewable technologies to meet the building's energy demand. These include the inclusion of roof mounted solar PVs and incorporation of air source heat pumps. The applicants state it will be a fossil fuel free and a net zero operational enabled building; the design aims to minimise embodied carbon emissions, with Life Cycle Carbon Assessments being used to inform the structural design and material selections. This is in accordance with NPF4 policies 11 (energy) and 12 (zero waste).

A Heat Network is not in place in the area. The proposals would comply with NPF4 Policy 19 (Heating and cooling) as they are designed and constructed to allow for cost-effective connection at a later date.

Connections within and to the local and wider area will be improved as a result of the proposed development. The large areas of green open space, incorporating sustainable urban drainage features, will provide accessible green space for the local community.

The proposal is in accordance with NPF4 policies on climate mitigation and adaptation.

Biodiversity and Trees

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 policy 4 (Natural places) states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

There are two statutory designated sites within 400m of the site. The Firth of Forth Ramsar, SPA and SSSI site and the Outer firth of Forth and St. Andrews Bay Complex SPA are designated for their coastal habitats and their importance for wintering waders and wildfowl that occur in nationally and internationally important numbers.

The assessment confirms that the proposed development will not result in significant effects to either site.

An assessment of the effects of the proposed development on the ecology of the site and the surrounding area has been undertaken. The assessment is informed by the Preliminary Ecological Appraisal, which comprised an ecological desk study and an extended Phase 1 habitat survey, which included a ground level assessment of all trees and buildings for roosting bats and an initial badger survey. Following the Preliminary Ecological Appraisal's recommendations further surveys were undertaken to establish whether the adjacent Madelvic Factory building contained bat roosts, and to establish if badgers were active on site. No bat roosts were recorded but low numbers of common and soprano pipistrelle bats were recorded passing over the site. A badger sett comprising eight entrances was recorded on site; it was found to be inactive for at least a year. The site also was considered unlikely to support great crested newts; the pond was of poor suitability for the species and is isolated from other suitable habitat.

The scrub and trees were identified as being of local value for breeding birds, but no other protected or notable species were recorded or considered likely to be present. The loss of the semi-natural habitats will be mitigated with and improved by the creation of native planting post-development, including wildflower meadows and additional native tree planting, including an orchard, and native shrubs; the proposal will contribute to these wider wildlife networks. Bat and bird boxes are proposed to be included on the site post-development. It is considered that the proposed soft landscaping is suitable to mitigate the loss of semi-natural habitats and provide enhancements for local biodiversity action plan species such as swifts and soprano pipistrelle bats.

New planting that reinforces existing planting and open spaces will add to the quality green open spaces in Granton and the wider landscape network and increase both visual and physical amenity for residents, visitors, and staff. The north-western portion of the site and the south of the site are in a Central Scotland Green Network (CSGN) neutral grassland opportunity area. Habitat creation in these areas of the site will directly support the CSGN initiative by providing native diverse grassland. In terms of biodiversity, the proposal meets the requirements of NPF4 policy 3 (Biodiversity), and NPF4 policy 4 (Natural Places).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss. NPF4 policy 6 (Forestry, woodland and trees) sets out that development proposals that enhance, expand and improve woodland and tree cover will be supported.

An Arboricultural Impact Assessment has been submitted as part of the application. This finds tree cover is variable and comprises mainly large groups of young/semi-mature Birch and Willow regeneration. The significant individual trees are mainly located near the west site boundary. Forty trees have been surveyed on site. Fifty percent of these are category C (poor quality) and 13% are category U (poor quality). Of the remaining, 35% are category B (moderate quality) and there is one category A tree (high quality). The A category Birch and good quality 'B' category trees are generally of short and medium term potential and provide screening and amenity.

The proposals involve the removal of individual trees including the category A tree and groups of lower quality trees; an area to the west of the proposed building has been identified for retention of some existing trees and their integration into the wider landscape proposals. New tree planting throughout the grounds is proposed; this comprises in excess of approximately ninety new trees. New tree planting retains the openness of the site and sightlines towards the new building as well as any future development along the boundary to the National Museums of Scotland site.

In terms of proposed tree removal and new tree planting, the proposals are acceptable. The proposals comply with NPF6 and LDP policy Env12.

Flood Risk and Drainage

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. As identified on SEPA online flood risk maps, the site is subject to medium risk of surface water flooding in parts of the site. The proposed finished floor level of the development is 18mAOD: representing an approximate 14m level difference between the design flood level and the finished floor level. Fluvial and tidal flood risk is considered to be low and additional measures to reduce this risk will not be required. Allowances for peak rainfall intensity, peak river flow and sea level rise for the region have been considered to account for the effects of climate change on future flood risk. The Flood Risk Assessment concludes that fluvial, tidal and groundwater flood risk to the development is assessed to be low. The proposed land uses are considered appropriate for development at this level of flood risk, in line with the NPF4.

NPF4 policy 22 states that all rain and surface water should be managed through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer and seek to minimise the area of impermeable surface. NPF4 policy 20 (blue and green infrastructure) supports development proposals incorporating new blue and/or green infrastructure. The surface water drainage strategy comprises of several Sustainable Drainage Systems (SuDS) integrated into the development to promote biodiversity, treat water quality and attenuate surface water before being discharged to the Scottish Water Sewer at a controlled rate. The surface water drainage system will be provided to collect rainfall surface water from the roof and surrounding hardstanding/landscaped areas within the site. It is designed to store up to the 1 in 200-year storm event plus an allowance of 40% climate change. Surface water will remain attenuated on site safely without impacting off site.

The collection of external surface water run off will be captured by a series of gullies, linear/channel drains, collector pipes and SuDS, where possible, that connect to the external below ground drainage system. This includes run off from roof and surrounding hardstanding/landscaped areas. Permeable paving for the parking spaces is proposed which utilises below ground storage in these areas to contribute towards the attenuation strategy. Swales and detention basin are used as the main above ground SUDS storage features which are integrated into the landscaping south of the building. Filter drains are proposed along walkways, together with channels and gullies.

A smart rainwater harvesting system will work alongside the attenuation tank to feed the irrigation demand on site.

SEPA and CEC Flood Planning raise no objections to the proposal.

The applicant states that given site and building constraints, particularly increasing likelihood of bird strikes over an active flight zone, the use of an extensive green roof has been considered only for the cycle shed. The use of the building to store the national collection of art and due to insurance implications, green roof is not envisaged to be used in the main building.

In light of the above, the proposal generally complies with LDP policy Env 21 and NPF4 policy 22.

Amenity and health

LDP policy Des 5 (Amenity) states permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected. LDP policy Env 22 (Pollution and Air, Waste and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity. NPF4 policy 23 (Health and Safety) also states development proposals likely to have a significant adverse effect on health will not be supported.

A Noise Impact Assessment (NIA) has been provided in support of the application which considers proposed plant and delivery noise. In terms of deliveries, the NIA advises that the majority of deliveries to the Art Works are expected to take place between the hours 06:00-18:00, however there is a requirement to be able to operate anytime within the 24-hour day when needed. The service yard is located on the south-eastern corner of the building. The fourth linear block is shorter to accommodate the service yard and allowing it to be screened from the main public realm to the east by blocks two and three. The conclusions of the NIA are that noise from both deliveries and plant will be within acceptable levels within the nearest residential properties and unlikely to impact upon residential amenity.

Basic internal café facilities with no cooking ventilation proposed. There are potentially two external mobile coffee vans proposed within the grounds. Environmental Protection consider it unlikely there will be any significant residential amenity impacts on local properties by way of cooking odours or noise.

In terms of Air Quality, the applicant advises that the proposal will include a number of sustainable technologies and these are supported by Environmental Protection. The development is designed to be low car use, promoting and prioritising other modes of transport.

The site will have good lighting and 24 hour security presence to reduce potential vandalism etc. More activity will be created during the day especially which will reduce undesirable behaviour.

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

The proposals will have positive effects on health by providing community facilities, including green space and allotments in accordance with NPF4 policy 23 (Health and safety).

There is a need to cap the site to control the risk of existing pollution entering a contamination pathway and this will require the import of clean topsoil. Different depths of topsoil cover above a separation layer are proposed across the site in order to minimize the overall volume of imported material. These vary according to proposed use and planting regime from a minimum of 150mm for wildflower seeding to 600mm in areas of urban gardening and allotments. Environmental Protection find the site investigation reports to be generally acceptable; they recommend a condition relating to assessment and control of land contamination at the site.

Overall, the proposal will not have an adverse effect on health, the environment and amenity. The proposal complies with LDP policy Des 5, Env 22, and NPF4 policy 23 (Health and safety).

Transport

NPF4 policy 13 (sustainable transport) intention is to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably. The site currently benefits from a good level of active travel infrastructure and public transport accessibility, including existing infrastructure in the form of 'The Diagonal' pedestrian and cycle path which runs along to the western boundary of the site, as well as wide footpaths and shared use paths. There are a number of bus services close to the site. The proposed route safeguarded for the tram runs along Waterfront Avenue in front of the site.

NPF4 policy 18 (Infrastructure first) states that *development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes will be supported*. The redevelopment of the site includes the delivery of a number of new accessible routes including routes north/south and east/west through the site; these increase permeability and improve connectivity of local communities within the waterfront in addition to local amenities off Waterfront Broadway. The east west route is an active travel route in the Granton Waterfront Development Framework; a route is proposed to the south side of the proposed building to provide a link to neighbouring areas in an east west direction. The north south route is an active travel route as set out in the Granton Waterfront Development Framework. It is identified as a key transport action for the north west of the city highlighted in LDP Action Programme (April 2023, Action Reference no.TR-SA-NWLOC-6). It will run through this site connecting West Granton Road with Waterfront Avenue and then on to West Shore Road through future developments. The applicant has included the provision of this route with the proposed submission. This will result in the provision of a key pedestrian/ cycle route, within an attractive landscaped setting, linking communities in the local and wider area. The applicant states that the delivery of the proposed north south route is contingent on an agreement being reached to enable the route to be completed; this element of the proposals is submitted under a separate planning application number 23/01359/FUL. The Council approved the process of making a Compulsory Purchase Order in May 2023 to acquire this piece of land to ensure that delivery of the full route can be achieved timeously.

It is recommended that a suspensive condition is added to ensure the delivery of this route in its entirety prior to occupation of the building.

Directly to the south of both linked development sites along West Granton Road, a transport action TR-SA-NWLOC-11 (West Granton Road) is to provide a segregated cycleway (2 way) and new toucan/ puffin crossings. Scottish Government Circular 3/2012 (updated 18 November 2020) - Planning Obligations and Good Neighbour Agreements 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. The circular indicates that an obligation should not be sought if it fails any one of these five tests.

The requirement to contribute towards the provision of transport or other infrastructure would meet the planning 'purpose' test if that infrastructure is necessary to make the development acceptable.

The Local Development Plan Action Programme April 2023 should be read alongside Local Development Plan Policy Del 1 (Developer Contributions) and The Supplementary Guidance on Developer Contributions and Infrastructure Delivery. It sets out how the infrastructure and services required to support the growth of the city will be delivered. The Finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (SG) sets out the Council's approach to infrastructure provision and improvements associated with development; it seeks to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development. The Guidance is not adopted but is a material planning consideration in the determination of this application. The North Edinburgh Transport Contribution zone was removed from the 2018 version of the SG. Ministers issued a Direction in January 2020 which stated that there was insufficient evidence to demonstrate that the transport contributions sought through the SG would fairly and reasonably relate in scale and kind to proposed development so as to be proportionate to such development; the relative impact of each development requiring the action should be a factor, not simply the number of units in a development.

The LDP Action Programme and Supplementary Guidance provide no specific detail or information on why the proposed transport action TR-SA-NWLOC-11 is necessary to enable the development to be acceptable in transport terms. The site is not within a contribution zone in the unadopted SG; the Development Plan requires a transport contribution in respect of development outside any contribution zone if it is clearly justified as necessary.

A Transport Assessment was submitted in support of the planning application. This details the expected transport impact of the proposed development on the existing road network. The applicant estimated trip generation and mode share for the proposed development and combined this with traffic counts to predict traffic flows in the area. The details have been assessed by transport officers and are considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The assessment is generally in line with the published guidelines on transport assessments. It concludes that it demonstrates that the addition of the development related traffic will not have an impact on the operation of the local road network.

The introduction of reduced parking, the close proximity to relevant local amenities and the extension of the Edinburgh Tram route is anticipated to have a positive impact on travel with potential to minimise new development vehicle trips.' In addition, the site will be accessed by group visits, such as school trips or workshop events, where minibus or coach travel will be provided. Given the insignificant impact on West Granton Road and the local area, the requirement for a financial contribution for Transport Action TR-SA-NWLOC-11 does not meet the planning 'purpose' test and is not necessary to make the development acceptable. An obligation for transport action does not meet the test of 'planning purpose' as set out in Circular 3/2012.

Contributions for transport infrastructure improvements should be needed for the development at the site to meet the relationship to the development test. 'Where a proposed development would either; create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a damaging impact on the environment or local amenity' a planning obligation could be sought. This site is identified in the Granton Waterfront Central Development Area in the LDP, and benefits from good public transport connections and will enhance and make provision for key existing cycle/pedestrian routes in the area. The proposal will not have an unreasonable impact on existing transport routes, and it has been demonstrated that there will not be a significant impact on the existing network as a result of the development. The development would not result in a direct need for contributions towards the proposed segregated cycleway on West Granton Road under transport action TR-SA-NWLOC-11. The proposal to contribute towards the provision of the TR-SA-NWLOC-11 infrastructure. An obligation for transport action does not meet the test of 'relationship to development test' as set out in Circular 3/2012.

Planning obligations should be reasonable in the circumstances of the particular case. Given that an obligation would not meet the tests of purpose or relationship to the proposed development, the obligation would not be reasonable.

The applicants are making provision for transport improvements within their site; these routes are set out in the Granton Waterfront Development Framework, and LDP Transport Action NWLOC 6. Contributions towards transport action TR-SA-NWLOC-11 would fail to meet at least one of the tests of the circular and are therefore not required.

In terms of infrastructure delivery, the proposal is acceptable and comply with relevant LDP and NPF4 policies.

Car Parking LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance. The development comprises 27 car parking spaces (19 standard bays, 5 EV charging bays and 3 disabled bays) located near to the east entrance of the building. The disabled parking spaces are located more than 45m away from the entrance; two rest points/benches are to be provided to help mitigate this. Thirty four short stay cycle parking spaces are proposed, 24 to be located near to the main/west entrance of the building and ten to be located near to the secondary/east entrance. These are complemented by 30 long-stay cycle parking spaces to be located within a store near to the east entrance of the site, and six of these spaces will be able to accommodate non-standard cycles. Space has been set aside for any potential roll out of an Edinburgh Cycle Hire scheme near to the main entrance.

This provision is acceptable in relation to LDP policy Tra 3 (private cycle parking). The design and layout of the proposed parking comply with LDP policy Tra4 (design of off street car and cycle parking). In terms of car and cycle parking provision, the proposals are acceptable.

In terms of accessibility, gradients along all key routes are 1 in 21 or less, with the option to include landings for each 500mm rise. The exception to this is one access path next to the LIDL retail outlet to the southern end of the site. This is at a gradient of 1 in 8 due to site constraints. This is an improvement to the existing situation and there is an available fully accessible route provided immediately west of this path.

Transport Planning have raised no objection to the planning application subject to conditions and informatives.

The construction of the new public realm and improved active travel routes will deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area. Cycle parking proposed will encourage bike usage, and car parking spaces have been kept to a minimum.

In conclusion, the overall transport provision is acceptable, in line with LDP policy and is not at odds with NPF4 transport policy objectives.

Archaeology

The proposals may reveal important evidence for the development of Granton's 19th and 20th century Industrial Heritage and potentially also earlier remains associated with the area's medieval and prehistoric past. The archaeological significance of such impacts upon the buried archaeological resource is regarded as being low-moderate. It is recommended that a programme of archaeological excavation is undertaken prior to development, in order to fully excavate, record and analysis any significant buried remains affected by groundbreaking. This is recommended as a condition.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposal will preserve the setting and historic interest of nearby listed buildings. The proposals are of an acceptable design. They do not result in an unacceptable impact to neighbouring amenity, are acceptable in relation to drainage and flooding, biodiversity, archaeology and do not raise concerns regarding transport matters. The proposals therefore comply with the overall objectives of the Development Plan.

The proposals will reflect the overall aims of the Granton Waterfront Development Framework, and the National Collection Facilities Place Brief.

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

The following material planning considerations have been identified:

Airport safeguarding

A Glint and Glare report has been submitted with the application. This assesses the potential impact of the proposed PV panels on the operations of Edinburgh Airport. It concludes that there is no impact is expected on the ATC tower, the aerodrome taxiways or the approach paths for runway 06 and 24 and that no mitigation is required.

Edinburgh Airport Safeguarding requires a condition for submission of and implementation of a Bird Safety management Plan on roof details and PV installation to protect the safety interests of operations at Edinburgh Airport.

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. Comments have been received in relation to human rights in relation to the use of the site by travelling people. This has been assessed in section b).

Public representations

A summary of the representations is provided below:

material considerations

Five comments in support:

- Positive about this proposal; the proposal will boost the area, will bring jobs and improve overall area for residents; assessed in section b);
- Good to develop this brownfield site where youths vandalise, start fires, fly tipping occurs and traveller's camp; assessed in section b);
- Allotments are good for the area and a great way to engage the local community; assessed in section b).

Comments raised as part of support letters:

- Flooding/ drainage implications should be checked; assessed in section b)
- What parking will be available and how will transport links facilitate the sites use?; set out in section A (application background);
- Could traffic calming be considered along Waterfront Avenue to improve pedestrian safety; this is not directly linked to/ needed as a result of the development proposal;
- How will site traffic be managed; assessed in section b);
- Will trees be kept; set out in section b);
- Existing wildlife should be a consideration; set out in section b);
- Good cycle parking and e bike charging points should be provided. Set out in section b).

One comment objecting:

- Roofs should be green; assessed in section b);
- More green space is needed for wildlife; assessed in section b).

Two general comments:

- Generally support the creation of community space; set out in section b);
- What steps will be taken to ensure community is kept safe from potential vandalism and fire starting; assessed in section b);
- Travellers who use the site will be displaced; where is a safe haven for them to move to; assessed in section b);
- Information is missing from the SI ground investigation report and should be provided; further/ full details are required by condition.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide indoor and outdoor amenity space for use by local residents. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site and create a positive setting for the building. Transport generation, car and cycle parking are acceptable.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion. It is recommended that planning permission is granted subject to the proposed conditions and informatives.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i) Prior to 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.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. The building hereby approved shall not be occupied or brought into use, until the proposed north south cycle/ pedestrian link, and proposed east west pedestrian/ cycle route and associated works, and those works under planning application 23/01359/FUL have been fully implemented and made available for use to the satisfaction of the Head of Planning. The routes shall remain available to public use at all times unless otherwise agreed in writing by the Head of Planning.
5. Sample/s of the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work commences on site.

6. A fully detailed landscape plan, including details of all hard and soft surfaces, boundary treatments, totem poles, signage, lighting, all planting, and bird and bat boxes shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Prior to commencement of works, a tree protection plan shall be provided and agreed in writing by the Planning Authority. Trees to be retained 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."
8. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of management of any flat/shallow pitched/green roofs on buildings or solar panel structures within the development site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

9. The electric vehicle charging points as shown on detail landscape GA - sheet 2 drawing TAW-GM-XX-XX-DR-L-1000 and dated 23/6/21 shall be served by at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. The electric charging points shall be installed and operational prior to occupation of the development.
10. A Landscape and Habitat Management Plan shall be submitted for the approval of the Head of Planning prior to occupation of the building and shall cover the entire landscape area. Details of the maintenance plan for the proposed green/blue infrastructure shall include the funding arrangements for long-term delivery and upkeep of green/blue infrastructure, and the party or parties responsible for these.
11. No development shall take place until a Construction Environmental Management Plan (CEMO), relating to biodiversity, has been submitted to and approved in writing by the Head of Planning.

This should include details contained within section 6 & supporting appendices of the Ecology Appraisal Report (including Appendices A,B,C,D) title 'The Art Works' Buro Happold revision PO2 17 February 2023.

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 is needed 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; and
- 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 order to safeguard the interests of archaeological heritage.
4. To ensure the active travel route is implemented as approved and made available for use.
5. In order to enable the Head of Planning to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To safeguard the health and condition of trees
8. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
9. to ensure necessary infrastructure is delivered.
10. To enable the Head of planning to consider these matters and detail and ensure their long term maintenance.
11. In order to safeguard the interests of nature conservation.

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. A number of traffic and other orders will be required including:
 - a. stopping up under Section 207 of the Town and Country Planning (Scotland) Act 1997;
 - b. redetermination of footway and carriageway;
4. The applicant should consider the provision of car club vehicles in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required;
5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions;
6. The proposed cycle and pedestrian route must be open for use by the public in terms of the statutory definition of 'road' and requires to be the subject of separate application or road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. A number of details of the proposed route may require clarification or amendment, including the proposed gradient, use of grasscrete, slot drain, adjacent landscaping, lighting and materials. For the avoidance of doubt, details of the proposed pedestrian/ cycle routes within the site are not approved.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 March 2023

Drawing Numbers/Scheme

1-65

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
E-mail: karen.robertson@edinburgh.gov.uk

Summary of Consultation Responses

NAME: SEPA

COMMENT: The SEPA Flood maps indicate that the only source of flood risk that is present on site is surface water risk. We have no objection to the proposed development.

DATE: 19 September 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application. However, the applicant should be aware that this does not confirm that the proposed development can currently be serviced.

DATE: 4 April 2023

NAME: NatureScot

COMMENT: NatureScot have no detailed comments to make.

DATE: 21 April 2023

NAME: City Archaeology

COMMENT: No objection to the application. A condition is recommended to ensure the completion of an archaeological programme of works.

As part of any agreed programme of archaeological works a programme of public/community engagement should be undertaken during development. The full the scope will be agreed with CECAS.

DATE: 20 April 2023

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to site contamination/ investigation and electric vehicle charging provision.

DATE: 27 April 2023

NAME: CEC Economic Development

COMMENT: The development is expected to support a net increase in employment and economic output.

DATE: 3 April 2023

NAME: Historic Environment Scotland

COMMENT: HES have no comments to make on the setting of Caroline Park House.

DATE: 12 April 2023

NAME: Edinburgh Airport Safeguarding

COMMENT: The proposal could conflict with safeguarding criteria unless any planning permission granted is subject to condition for a Bird Hazard Management Plan to be submitted.

DATE: 11 April 2023

NAME: Transport Planning

COMMENT: No objections subject to conditions and informatives.

DATE: 12 September 2023

NAME: Health and Safety Executive

COMMENT: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

DATE: 1 September 2023

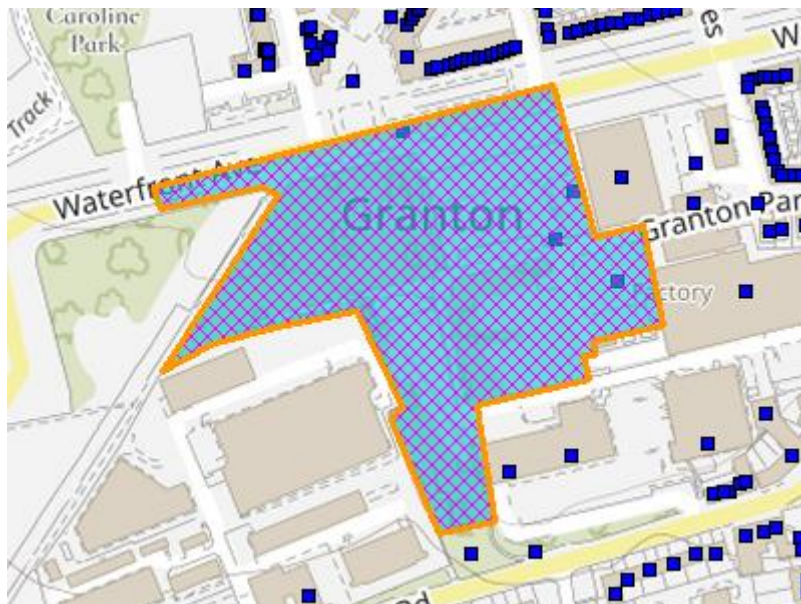
NAME: Police Scotland

COMMENT: Police Scotland welcomes the discussion with the applicant/ architects about Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 1 May 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 25 October 2023

Application for Planning Permission

Land East of Granton Art Centre, 242 West Granton Road, Edinburgh.

Proposal: Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works.

Item – Committee Hearing

Application Number – 23/01359/FUL

Ward – B04 - Forth

Reasons for Referral to Committee

NPF4 designates Edinburgh Waterfront as a National Development in which this site sits. It states that this national development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh and is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments.

The application is referred to the Development Management Sub-Committee as the site is within the National development Area and requires the planning application to be considered by a pre-determination hearing.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance.

The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site description

The site lies to the north of West Granton Road and has an area of approximately 0.15 Hectares. The site is heavily planted with some trees. To the south of the site the land rises up towards West Granton Road. There is an existing ramped pedestrian access between West Granton Road and The Lidl store.

To the north is vacant land which is the subject of planning application 23/01068/FUL for a new Artworks collection facility, landscaping and associated works. To the east is an existing supermarket (Lidl) with another retail store beyond.

The existing storage buildings for National Museums Scotland, and National Galleries of Scotland is located in the adjacent site to the west.

Proposed development

Land will be regraded; new soil will be imported to a depth of 150mm above a separation layer. A number of trees will be removed including those within Group T1 and eight individual trees. Some trees along the western boundary of the site will be retained. Areas of open space will be sown with wildflower grass/ meadow. A new pathway network will be provided comprising a section of the north/south active travel route through the site. This section links West Granton Road with the southern boundary of planning application 23/01068/FUL. A new way finder sign will be incorporated together with a totem sign and new lighting.

Relevant Site History

No relevant site history.

Other Relevant Site History

28 March 2023 - Planning application submitted for a new artworks facility for care, conservation, research, storage and distribution of Scotland's art works and other uses on land to the north of this application site. Planning application reference 23/01068/FUL

1 May 2016 - The Granton National Collections Facility Place Brief was approved.

26 February 2020 - The Granton Development Framework was approved.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

BAA Safeguarding

CEC Flood Planning

CEC Archaeology

SEPA

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 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.

NPF4 defines Edinburgh Waterfront as a National Development. This National Development supports the regeneration of strategic sites along the Forth Waterfront in Edinburgh. *'The waterfront is a strategic asset that contributes to the city's character and sense of place and includes significant opportunities for a wide range of future developments. Development will include high quality mixed use proposals that optimise the use of the strategic asset for residential, community, commercial and industrial purposes, including support for off-shore energy related to port uses. Further cruise activity should take into account the need to manage impacts on transport infrastructure.'*

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 Climate and Nature Crisis Policies 1, 2, 3, 4, 6;
- NPF4 Brownfield, vacant and derelict land Policy 9;
- NPF4 Sustainable transport policy 13;
- NPF4 Successful Places Policies 14 and 15;
- NPF4 Infrastructure Policy 18;
- NPF4 Blue and Green infrastructure Policy 20;
- NPF4 Flood Risk and Water Management Policy 22;
- NPF4 Health and Safety Policy 23;
- NPF4 Community Wealth Building policy 25;

- LDP Environment Policies Env 12, Env 20, Env 21 and Env 22;
- LDP Design Policies Des 1, Des 2, Des 3, Des 7, and Des 8;
- LDP Delivery Policy Del 1 and Del 3;
- LDP Employment and Economic development Policy Emp 9;

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Design and Transport policies and other Environment policies listed above. The approved Granton Waterfront Development Framework (2020) and the Granton National Collection Facility Place Brief (2016) are material considerations.

Acceptability of the Development in Principle

The Development Plan

The Local Development Plan (LDP) identifies the site as forming part of the Granton Waterfront Central Development Area (Proposal EW 2b), a large area allocated for housing-led mixed use development. Development within the Central Development Area of Granton Waterfront is guided by a number of development principles within the LDP. LDP policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Granton Waterfront including the provision of open space in order to meet the needs of the local community, create local identity and a sense of place, and to necessary public transport improvements.

NPF4 policy 9 (Brownfield vacant and derelict land) supports the sustainable reuse of brownfield land including vacant and derelict land and buildings. Local Development Plan (LDP) policy LDP Emp 9 (employment sites and premises) states that proposals to redevelop employment sites for uses other than business, industry or storage will be permitted provided the proposal will contribute to the comprehensive regeneration and improvement of the wider area and will not prejudice nearby employment activities.

The site is located within 'The Link' character area within the Granton Waterfront Development Framework, the vision for this urban quarter is to be: "a highly interconnected cultural and making area that bridges new and existing neighbourhoods. It should reinforce north to south and east to west views with green routes. Development should promote: - Culture and learning strategies - Partnership working - Green routes, views and connections. - Opportunities for creative industry." The Framework shows the provision of a proposed active travel route in a north south direction which this site forms part of.

The Granton National Collection Facility Place Brief (GNCFPB) highlights that proposals should seek removal of existing barriers to permeability and sustainable travel. The placemaking principles include a north south cycle/ pedestrian route as reflected in this application. Permeability for pedestrians and cyclists should be improved.

The active travel route proposed as part of this planning application will improve pedestrian and cycle links to the proposed new Artworks facility (planning application ref: 23/01068/FUL) and the wider area. This would meet the aims of LDP and NPF4 policies and accord with the Granton Development Framework and National Collections Facilities Place Brief. Together with the proposed new Art Works development to the north of this site the proposals will provide a mix of cultural and community land use in accordance with NPF4 and will help create a sense of place in the local area. The proposals will contribute to the local economy and the wellbeing of local residents and visitors.

Principle Conclusion

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land. The principle of the proposed development is in line with LDP and NPF4 objectives and is supported by the Granton Waterfront Development Framework and the approved Place Brief. In principle, the proposal is acceptable.

Design and Layout

LDP Policies Des 1-3 and 7-8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of form, layout, and materials. The design of any future application will be considered against these policies. NPF4 policy 14 (Design, Quality and Place) sets out that development proposals will be supported where they are consistent with the six qualities of successful places. NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) state that development proposals should contribute to local living.

Proposals should accord with the approved Granton National Collections Place Brief (GNCPB) and the Granton Waterfront Development Framework (GWDF) principles; the Edinburgh Design Guidance is a material consideration in relation to design considerations of the scheme.

The Brief states that proposals should demonstrate how pedestrian and cycle linkages to the south of the site can be achieved given the change in levels between West Granton Road to the south and the site. The proposed active travel route follows the illustrative layout contained within the approved Place Brief (GNCPB).

The route is indicated as a publicly accessible route in the Granton Waterfront Development Framework (GWDF).

LDP policy Des 1 (Design quality and context) sets out that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. The proposals demonstrate how pedestrian and cycle links connect West Granton Road to the proposed new artworks facility, community space and areas of public realm and beyond. The proposal encourages a safe, high quality, shared and enjoyable space and provides links to existing neighbourhoods. It will reinforce essential connectivity between Pilton and the Waterfront developments; the link is considered as a key element of proposals to develop the artworks site. The proposals comply with LDP policy Des 1.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and LDP Policy Des 8 (Public Realm and Landscape Design) are both relevant. LDP policy Des 8 requires new development of external spaces, and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art to be designed as an integral part of the scheme as a whole. The proposals would involve regrading of the land to enable provision of a more accessible footpath/ cycleway link through to the north.

The associated works including wildflower planting, a new way finder sign, a totem sign and new lighting will create a more attractive, useable and safe environment. The proposals are acceptable in relation to LDP policies Des 3 and Des 8.

The route will be lit and wayfinding sign will announce the entrance to this route; this is a positive step to announce the entrances to this new facility in terms of sense of welcome and wayfinding. The access path next to the Lidl retail outlet is at a gradient of 1 in 8 due to site constraints. The main pedestrian/ cycle route directly to the west of this path will have a gradient of less than 1:30 ensuring accessibility. This is an acceptable and much improved situation in terms of accessibility. The proposals comply with LDP policy Des 7 (layout design).

LDP policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council. The proposal would not prejudice development of adjacent land and follows the aims of the approved Brief and Framework. Access to the steeper area of land to the southern part of the site will be improved as a result of the proposed development. The proposal is well-coordinated and appropriate to the intended use of the site. The proposal complies with LDP policy Des 2.

The proposal complies with NPF4 Policy 15 (Local Living and 20 minute neighbourhoods) as it will enhance the level and quality of interconnectivity of the proposed development with the surrounding area, including sustainable modes of transport. LDP policy Env 20 (Open space in new development) sets out that provision of new publicly accessible and useable open space in new development and improvements to the green network will be negotiated. The proposals will create a green corridor with mainly soft landscaped setting for access by the public.

NPF4 policy 25 (Community wealth building) is complied with as the development will contribute to local wealth building strategies.

Conclusion in relation to design, scale and layout

Overall, the design and layout of the proposals are acceptable. The design and layout of the proposals comply with the design policies contained within the LDP and NPF4. The proposal also accords with the aims of the Granton Waterfront Development Framework and the National Galleries Collection Facilities Place Brief.

The proposals contribute to the sustainable regeneration of the Granton Waterfront area. They are consistent with the six qualities of place set out in NPF4 bringing an area of derelict brownfield land back into a productive use, with enhancements to provide green open spaces, and a community benefit to the local area.

Climate Mitigation and adaptation

NPF4 Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF4 Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change. NPF4 Policy 9 (brownfield derelict and vacant land) intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land.

Connections within and to the local and wider area will be improved as a result of the proposed development. The large areas of areas of green open space, incorporating sustainable urban drainage features, will provide accessible green space for the local community.

The proposal is in accordance with NPF4 policies on climate mitigation and adaption.

Biodiversity and Trees

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 policy 4 (Natural places) states that development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

There are two statutory designated sites within 400m of the site. The Firth of Forth Ramsar, SPA and SSSI site and the Outer firth of Forth and St. Andrews Bay Complex SPA are designated for their coastal habitats and their importance for wintering waders and wildfowl that occur in nationally and internationally important numbers. The assessment confirms that the proposed development will not result in significant effects to either site.

An assessment of the effects of the proposed development on the ecology of the site, the accompanying Artworks site to the north and the surrounding area has been undertaken. The assessment is informed by the Preliminary Ecological Appraisal, which comprised an ecological desk study and an extended Phase 1 habitat survey. It is considered that the proposed soft landscaping is suitable to mitigate the loss of semi-natural habitats and provide enhancements for local biodiversity action plan species.

New planting that reinforces existing planting and open spaces will add to the quality green open spaces in Granton and the wider landscape network and increase both visual and physical amenity for residents. In terms of biodiversity, the proposal meets the requirements of NPF4 policy 3 (Biodiversity), and NPF4 policy 4 (Natural Places).

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss. NPF4 policy 6 (Forestry, woodland and trees) sets out that development proposals that enhance, expand and improve woodland and tree cover will be supported. An Arboricultural Impact Assessment has been submitted as part of the application. The proposals involve the removal of the majority of trees on the site which comprise two low quality category U trees, four category C trees, and three category B trees. One Cherry tree will be retained. The proposals would not include new tree planting, however, the adjacent site to the north will introduce several new trees to create an attractive landscaped route.

The loss of trees at this site is acceptable, as it will create the link between West Granton Road and areas to the north in the form of an attractive, open corridor.

In terms of proposed tree removal and new tree planting, the proposals are acceptable. The proposals comply with NPF4 policy 6 and LDP policy Env12.

Flood Risk and Drainage

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. It continues that all rain and surface water should be managed through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure.

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself. The Flood Risk Assessment concludes that fluvial, tidal and groundwater flood risk to the development is assessed to be low. The proposed land uses are considered appropriate for development at this level of flood risk, in line with the NPF4.

NPF4 policy 20 (blue and green infrastructure) supports development proposals incorporating new blue and/or green infrastructure.

The surface water drainage strategy comprises of several Sustainable Drainage Systems (SuDS) that have been integrated into the development including filter trenches. This will promote biodiversity, treat water quality and attenuate surface water. The design has sought to integrate above ground SUDs in line with the Council's Water Vision.

The Granton Development Framework indicates the route as a 'Green Street'/secondary SuDS route. The proposal is acceptable in terms of flood risk and drainage. SEPA and CEC Flood Planning raise no objections to the proposal.

In light of the above, the proposal generally complies with LDP policy Env 21 and NPF4 policies 20 and 22.

Amenity and health

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

NPF4 policy 23 (Health and Safety) also states development proposals likely to have a significant adverse effect on health will not be supported. The proposals will have positive effects on health by providing a green link to new community facilities, including green space. The proposed route will have good lighting. More activity will be created during the day especially which will help reduce undesirable behaviour.

The proposal would not have any adverse impact on soil quality in accordance with LDP policy Env 22. There is a need to cap the site to control the risk of existing pollution entering a contamination pathway and this will require the import of clean topsoil.

Environmental Protection recommend a condition relating to assessment and control of land contamination at the site.

Overall, the proposal will not have an adverse effect on health, the environment and amenity. The proposal complies with LDP policy Des 5, Env 22, and NPF4 policy 23 (Health and safety).

Transport

NPF4 policy 13 (sustainable transport) intention is to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably. There are currently benefits from a good level of active travel infrastructure and public transport accessibility, and wide footpaths and shared use paths including the existing 'diagonal' path which is located to the north west of the site adjacent to the proposed Artworks facility. There are a number of bus services close to the site. The site would connect to the proposed north south link to Waterfront Avenue to the north where the proposed route is safeguarded for the tram runs along Waterfront Avenue.

LDP policy Del 1 (Developer contributions and infrastructure delivery) and NPF4 policy 18 (Infrastructure first) support development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs and their delivery programmes. The LDP indicates two Active Travel routes in and in close vicinity of the site; NWLOC-6 (Granton North South route through National Galleries development to the Shore, and NWLOC-11 West Granton Road. The planning application proposal, together with the link provided under planning application 23/01068/FUL would deliver LDP action NWLOC-6; the proposal would comply with LDP policy Del 1 and NPF4 policy 18. The redevelopment of the site to the north and the link proposed to connect West Granton Road to the south increases permeability and improves connectivity of local communities within the waterfront in addition to local amenities off Waterfront Broadway. Its provision would meet the aims of the Granton Waterfront Development Framework and the National Facilities Place Brief.

The applicant states that the delivery of the proposed north south route is contingent on an agreement being reached to enable the route to be completed which forms the proposals contained within this planning application. The Council approved the process of making a Compulsory Purchase Order in May 2023 to acquire this piece of land to ensure that delivery of the full route can be achieved timeously. It is recommended that a suspensive condition is added to ensure the delivery of this route in its entirety prior to occupation of the building.

Scottish Government Circular 3/2012 (updated 18 November 2020) - Planning Obligations and Good Neighbour Agreements 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. The circular indicates that an obligation should not be sought if it fails any one of these five tests.

The requirement to contribute towards the provision of transport or other infrastructure would meet the planning 'purpose' test, if that infrastructure is necessary to make the development acceptable.

The Local Development Plan Action Programme April 2023 should be read alongside Local Development Plan Policy Del 1 (Developer Contributions) and The Supplementary Guidance on Developer Contributions and Infrastructure Delivery. It sets out how the infrastructure and services required to support the growth of the city will be delivered. The Finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (SG) sets out the Council's approach to infrastructure provision and improvements associated with development; it seeks to ensure that developers make a fair and realistic contribution to the delivery of necessary infrastructure provision and improvement associated with development. The Guidance is not adopted but is a material planning consideration in the determination of this application. The North Edinburgh Transport Contribution zone was removed from the 2018 version of the SG. Ministers issued a Direction in January 2020 which stated that there was insufficient evidence to demonstrate that the transport contributions sought through the SG would fairly and reasonably relate in scale and kind to proposed development so as to be proportionate to such development; the relative impact of each development requiring the action should be a factor, not simply the number of units in a development.

The LDP Action Programme and Supplementary Guidance provide no specific detail or information on why the proposed transport action TR-SA-NWLOC-11 is necessary to enable the development to be acceptable in transport terms. The site is not within a contribution zone in the unadopted SG; the Development Plan requires a transport contribution in respect of development outside any contribution zone if it is clearly justified as necessary.

A Transport Assessment was submitted in support of the planning application. This details the expected transport impact of the proposed development on the existing road network. The applicant estimated trip generation and mode share for the proposed development and combined this with traffic counts to predict traffic flows in the area. The details have been assessed by transport officers and are considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. Given the insignificant impact on West Granton Road and the local area, the requirement for a financial contribution for Transport Action TR-SA-NWLOC-11 does not meet the planning 'purpose' test and is not necessary to make the development acceptable. An obligation for transport action does not meet the test of 'planning purpose' as set out in Circular 3/2012.

Contributions for transport infrastructure improvements should be needed for the development at the site to meet the relationship to the development test. 'Where a proposed development would either; create a direct need for particular facilities, place additional requirements on infrastructure (cumulative impact) or have a damaging impact on the environment or local amenity' a planning obligation could be sought. This site is identified in the Granton Waterfront Central Development Area in the LDP, and benefits from good public transport connections and will enhance and make provision for a key existing cycle/pedestrian route in the area. The proposal will not have an unreasonable impact on existing transport routes, and it has been demonstrated that there will not be a significant impact on the existing network as a result of the development. The development would not result in a direct need for contributions towards the proposed segregated cycleway on West Granton Road under transport action TR-SA-NWLOC-11. An obligation for transport action does not meet the test of 'relationship to development test' as set out in Circular 3/2012.

Planning obligations should be reasonable in the circumstances of the particular case. Given that an obligation would not meet the tests of purpose or relationship to the proposed development, the obligation would not be reasonable.

The applicants are making provision for transport improvements within their site; the route is set out in the Granton Waterfront Development Framework, and LDP Transport Action NELOC 6. Contributions towards transport action TR-SA-NWLOC-11 would fail to meet at least one of the tests of the circular and are therefore not required.

Transport Planning have raised no objection to the planning application subject to conditions and informatives.

The construction of the new public realm and improved active travel route will deliver significant benefits in terms of health and wellbeing, social cohesion, and place-making objectives of the wider regeneration of the area.

In conclusion, the overall transport provision is acceptable, in line with LDP policy and is not at odds with NPF4 transport policy objectives.

Archaeology

NPF4 policy 7 (Historic assets and places) states that development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. City archaeology state that as the proposals require significant ground works, they may reveal important evidence for the development of the Caroline Park House/ Royston estates. They recommend a condition to assess and evaluate and report potential archaeological remains.

Conclusion in relation to the Development Plan

Overall, the proposal complies with the Development Plan and is acceptable in principle. The proposals are of an acceptable design. They appropriately address drainage and flooding, biodiversity, and archaeology matters and do not raise concerns regarding transport matters. The impact on trees and proposed landscaping is acceptable. The proposals therefore comply with the overall objectives of the Development Plan.

The proposals will reflect the overall aims of the Granton Waterfront Development Framework, and the National Collection Facilities Place Brief.

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.

Public representations

No letters of representation have been received.

Overall conclusion

The proposal will make a positive contribution to the City's Waterfront Area. The proposal is a well-designed and sustainable development. It allows for 20 minute neighbourhood principles and community benefits to be delivered. The proposal will improve the quality of public realm and increase permeability through the site and the wider area. Landscape proposals include sustainable drainage and new planting that will provide an improved level of habitat creation on the site.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposals meet the general aims of both the Granton National Collection Facility Place Brief and The Granton Waterfront Development Framework. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. Development shall not commence until a Construction Environmental Management Plan relating to biodiversity, has been submitted to and approved in writing by the Planning Authority.

The plan should include details contained within section 6 & supporting appendices of the report - Ecology Appraisal Report (Including Appendices A, B,C,D) The Art Works, Buro Happold revision PO2 17 February 2023

The Plan 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 and
- h) The use of protective fences, exclusion barriers and warning signs.

4. The building hereby approved under planning application 23/01068/FUL shall not be occupied or brought into use, until the proposed north south cycle/ pedestrian link and associated works have been fully implemented and made available for use to the satisfaction of the Head of Planning. The route shall remain available to public use at all times unless otherwise agreed in writing by the Head of Planning.

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. A fully detailed landscape plan, including details of all hard and soft surfaces, boundary treatments, totem poles, signage, lighting, all planting, and bird and bat boxes shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

7. A Landscape and Habitat Management Plan shall be submitted for the approval of the Head of Planning prior to occupation of the building and shall cover the entire landscape area. Details of the maintenance plan for the proposed green/blue infrastructure shall include the funding arrangements for long-term delivery and upkeep of green/blue infrastructure, and the party or parties responsible for these.

8. Prior to commencement of works, a tree protection plan shall be provided and agreed in writing by the Planning Authority. Trees to be retained 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. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons :-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to safeguard interests of nature conservation.
4. To ensure the active travel route is implemented as approved and made available for use.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To enable the Head of planning to consider these matters and detail and ensure their long term maintenance.
8. In order to safeguard protected trees.
9. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The proposed cycle and pedestrian route must be open for use by the public in terms of the statutory definition of 'road' and requires to be the subject of separate application or road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. A number of details of the proposed route may require clarification or amendment, including the proposed gradient, use of grasscrete, slot drain, adjacent landscaping, lighting and materials. For the avoidance of doubt, details of the proposed pedestrian/ cycle routes within the site are not approved.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 March 2023

Drawing Numbers/Scheme

1-9, 12, 22-27

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Karen Robertson, Senior planning officer
E-mail: karen.robertson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objections.

DATE: 12 September 2023

NAME: BAA Safeguarding

COMMENT: No objections to the proposal

DATE:

NAME: CEC Flood Planning

COMMENT: No objections

DATE: 20 June 2023

NAME: CEC Archaeology

COMMENT: No objections subject to conditions.

DATE: 20 April 2023

NAME: SEPA

COMMENT: No objections to the proposal

DATE: 4 September 2023

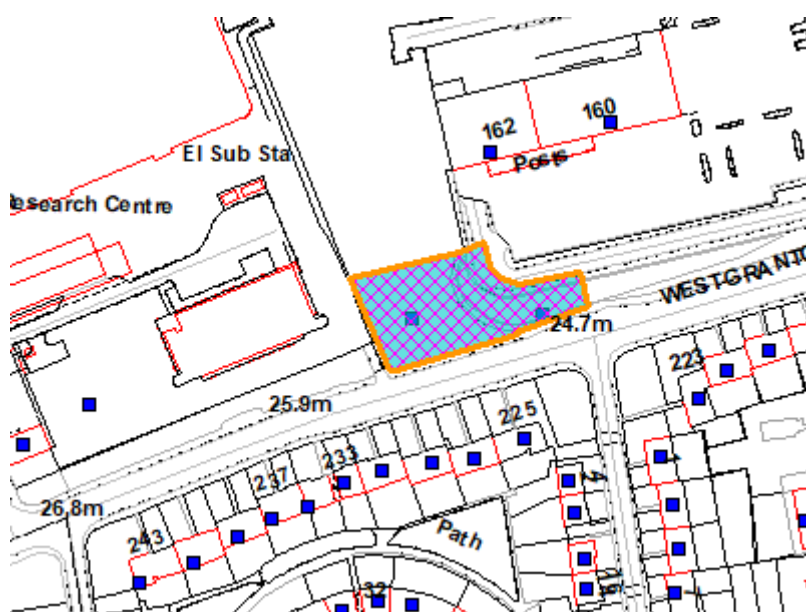
NAME: Environmental Protection

COMMENT: No objections subject to a condition relating to land contamination.

DATE: 27 September 2023

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

Location Plan



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