

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 8th November, 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 6 November 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

- 3.1 None.

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.

- 4.1** 33-34 Castle Terrace, Edinburgh (Former) - Conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows - application no. 23/02200/FUL - Report by the Chief Planning Officer 9 - 18
- It is recommended that this application be **GRANTED**.
- 4.2** 11 Circus Lane, Edinburgh, EH3 6SU - Proposed change of use from residential house to short-term let (in retrospect) - application 23/03105/FULSTL - Report by the Chief Planning Officer 19 - 30
- It is recommended that this application be **REFUSED**.
- 4.3** 4 Crichton's Close, Edinburgh, EH8 8DT - Change of use - vacant office accommodation to 18 No. serviced apartments (Sui Generis). Alterations include internal partitions, new fire escape stair. New double glazing throughout, new protective barriers to allow for safe window cleaning / safe access onto balconies, minor external alterations to entrance to improve existing lobby roof - application no. 23/02908/FUL - Report by the Chief Planning Officer 31 - 44
- It is recommended that this application be **GRANTED**.
- 4.4** 31 Duddingston View, Edinburgh, EH15 3LZ - Erection of rear extension to dwelling house and installation of new mansard roof over entire extent of existing and extension footprint to create additional living accommodation on the upper floor - application no. 23/03375/FUL - Report to Chief Planning Officer 45 - 52
- It is recommended that this application be **REFUSED**.
- 4.5** 6 Picardy Place, Edinburgh, EH1 3JT - S42 application for non-compliance with Condition 1 of permission 21/05443/FUL. Removal/variation of condition sought to ensure the control and 53 - 62

treatment of odours from the premises by utilising a recirculation unit; require ongoing maintenance of the odour control equipment and to limit the range of cooking equipment to that used by Taco Bell - application no. 23/02655/FUL - Report by the Chief Planning Officer

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

- 4.6** Development At Pittville Street Lane, Edinburgh - Demolition of water tower and alterations to former laundry building. To be replaced with residential dwelling, with garage and garden deck (as amended) - application no. 20/04260/FUL - Report by the Chief Planning Officer 63 - 78

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

- 4.7** Development at Pittville Street Lane, Edinburgh - Full demolition of water tower and partial demolition of former laundry building (as amended) - application no. 21/04594/CON - Report by the Chief Planning Officer 79 - 88

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

- 4.8** 81 Rose Street, Edinburgh, EH2 3DT - Change of use from coffee shop (retail) to studio (short-term letting) - application no. 23/00868/FULSTL- Report by the Chief Planning Officer 89 - 98

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

5. Returning Applications

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

- 5.1** 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 | 14 Ashley Place, Edinburgh, EH6 5PX - Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL - Protocol Note by the Service Director - Legal and Assurance | 99 - 102 |
| 6.2 | 14 Ashley Place, Edinburgh, EH6 5PX - Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL - Report by the Chief Planning Officer | 103 - 126 |
- It is recommended that this application be **GRANTED**.

7. Applications for Detailed Presentation

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

- 7.1** None.

8. Returning Applications Following Site Visit

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

- 8.1** None.

Nick Smith

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4264, email taylor.ward@edinburgh.gov.uk / blair.ritchie@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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Development Management Sub-Committee Report

Wednesday 8 November 2023

**Application for Planning Permission
Former, 33 - 34 Castle Terrace, Edinburgh**

Proposal: Conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows.

**Item – Committee Decision
Application Number – 23/02200/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

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

SECTION A – Application Background

Site Description

The application site is on the ground and lower ground floors of a four-storey tenement at 33-34 Castle Terrace in the West End. The application property has its own accesses from Castle Terrace, two serving the ground floor and two serving the lower ground floor. On the upper floors of the tenement are residential properties. There is a restaurant on one side of the property and an office on the other.

This section of Castle Terrace is a short section which extends southwards to become Spittal Street. The surrounding area is mixed in character. Opposite the application site there is a large office and a health clinic. The east side of Spittal Street is primarily residential whilst on the west side there are two shops. Bread Street is approximately 200 metres to the south. It has bars, hotels, clubs, and nighttime activity.

The application property is a category A listed building (LB 47856, 14/12/1970).

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

Description of the Proposal

The application is for the conversion from restaurant and alterations to form seven serviced apartments including removal of plant and bars from windows and installation of new windows.

The proposed external alterations on the rear elevation include: - the removal of redundant service runs and external window bars, replacement of a single window with a new, timber slimline double glazed, sash and case unit, new cast iron soil and waste pipes, existing window openings blocked up in stone to match the existing wall and reinstatement of one blocked up door opening with a window.

The proposed external alterations on the front elevation include: - reinstatement of six over six sash and case windows, reinstatement of traditional timber panelled doors, repainting of existing painted section of stonework, installation of a frameless glass balustrade to the external face of the central windows to 0.8 metres above floor level and removal of external bars from windows.

Supporting Information

Planning and Design Statement.

Legal Opinion.

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

Relevant Site History

22/01286/FUL

33 - 34 Castle Terrace

Edinburgh

EH1 2EL

Conversion of restaurant to form 7x flats (as amended).

Granted

20 May 2022

22/01287/LBC

33 - 34 Castle Terrace

Edinburgh

EH1 2EL

Conversion and alterations to form 7x flats inc. removal of plant and bars from windows and installation of new windows.

Granted

20 May 2022

23/02268/LBC

Former

33 - 34 Castle Terrace

Edinburgh

Conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows.

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Transport

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

Publicity and Public Engagement

Date of Neighbour Notification: 15 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 22 September 2023 30 June 2023

Site Notices Date(s): 19 September 2023 27 June 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 or its setting.

Setting of Listed Buildings

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

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

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

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

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

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

The proposals do not harm the listed building. The external proposals will result in significant gains for the special interests of the listed building.

Conclusion in relation to the listed building

The proposal harms neither the listed building nor its setting. It is therefore acceptable with regard to Sections 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 West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The proposals do not conflict with the objective of preserving or enhancing the character or appearance of the conservation area. The proposed works will reinstate the traditional character and appearance of the existing building that will result in conservation area gains.

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.

c) 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 supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. There are several policies in the Edinburgh Local Development Plan (LDP) that are equivalent to policies within NPF 4. The relevant policies to be considered are:

- NPF 4 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.

Listed Building, Conservation Area, and World Heritage Site

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

Proposed Use

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

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

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

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

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

Amenity

The applicant has submitted a planning statement which addresses the NPF 4 issues. In terms of amenity, the statement asserts that although it is accepted that there are residential uses in the local area there is a clear dominance of commercial uses making the area more mixed in character. The property has its own main door accesses and will not have a negative impact on the nearby residential properties.

This section of Castle Terrace is mixed in character. There is a restaurant adjacent to the property, several offices nearby and residential properties above. It is close to Bread Street where there is a high level of night-time activity and pedestrian footfall.

The application property has its own main door entrances from Castle Terrace. There is no access to the rear garden area. The application site is located adjacent to a restaurant and is in close proximity to a range of leisure and night-time uses at the southern end of Spittal Street. There are a number of residential properties in Castle Terrace including directly above the application property. The impact of this STL use would not have a further detrimental impact on neighbouring residential amenity given the noise levels created by the uses and resultant activities that exist within the vicinity of the application property.

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

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

Loss of residential accommodation

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

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

The property operated as a restaurant until 2020. Planning permission was granted in May 2022 for change of use from restaurant to seven residential flats. Work started in March 2023; however, work has not progressed significantly for there to be evidence of the planning permission having been implemented. Consequently, it is considered that the existing lawful use is a Class 3 restaurant use and there is no loss of residential. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Transport

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

Three contributors: Two objections.
One petition with 30 signatures in support of the application.

material considerations- objections

- STL guests make no contribution to the local economy. Addressed in c) above.

non-material considerations- objections

- Contributes to loss of long-term housing. There is no loss of residential use in this instance.
- STL guests are not concerned about local issues. This is not a material planning consideration.

material considerations- in support

- They are separate from residential properties nearby. Addressed in c) above.
- -Will enhance the appearance of the listed building. Addressed in a) above.
- -Will make a positive contribution to the conservation area. Addressed in b) above.
- -Will bring economic benefits to the local economy. Addressed in c) above.

non-material considerations- in support

- Serviced apartments are well managed. This is a matter for Licensing.
- Will bring life back to the property. This is not a material planning consideration.

Conclusion in relation to identified material considerations.

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 23 June 2023

Drawing Numbers/Scheme

01-07

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

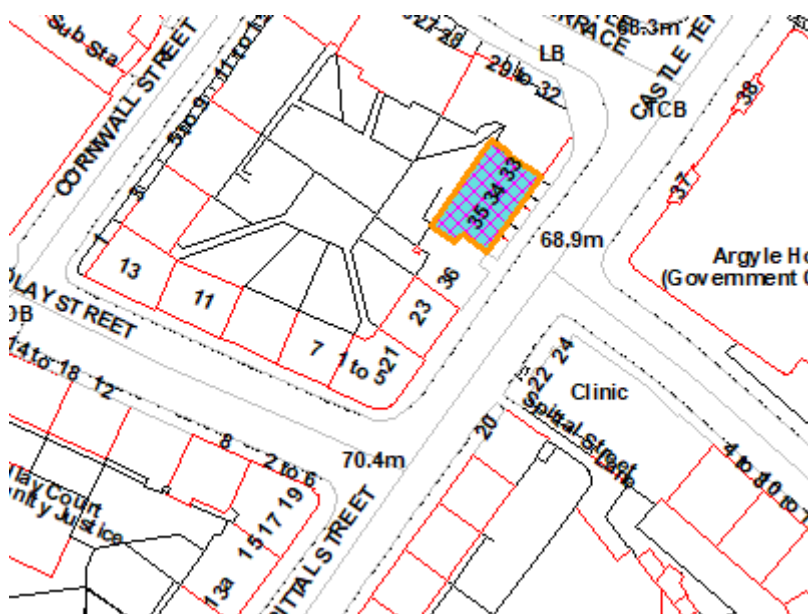
Summary of Consultation Responses

NAME: Historic Environment Scotland
COMMENT: No comments.
DATE: 23 July 2023

NAME: Transport
COMMENT: No objections.
DATE: 6 July 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 8 November 2023

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

Proposal: Proposed change of use from residential house to short-term let (in retrospect).

**Item – Committee Decision
Application Number – 23/03105/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal complies with sections 64 and 59 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

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

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

SECTION A – Application Background

Site Description

The application property comprises a four-bedroom (136 sqm) mews house at 11 Circus Lane, Stockbridge. The property is set over two floors and has private main door access. The property includes a small walled patio area to the rear which is accessed off the kitchen and a bedroom.

Although the wider Stockbridge area has a mix of commercial uses, Circus Lane is a predominantly residential with limited on-street activity. The street is restricted to one-way traffic.

The application property forms part of a Category B listed building - Circus Lane, numbers 3-15 (odd number), 19-57 (odd numbers) and numbers 6-10 (even numbers), including walls, LB45477, 24/03/1998. The site is located within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

Planning permission is sought for the change of use from residential to short term let. The application is being made in retrospect. No internal or external changes to the property are proposed.

Supporting Information

- Supporting Planning Statement.

This is available to view on the Planning and Building Standards Online Service.

Relevant Site History

No relevant site history.

Other Relevant Site History

23/00093/ESHORT
Pending Decision - 16.02.2023
Enforcement Enquiry

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 20 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 August 2023

Site Notices Date(s): 1 August 2023

Number of Contributors: 76

Section B - Assessment

Determining Issues

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

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

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

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

Conclusion in relation to the listed building

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

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

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

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

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

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan.

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

The relevant policies to be considered are:

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

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

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

Listed Building and Conservation Area

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

Proposed Use

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

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

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

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

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

Amenity:

The application property comprises a terraced, two floor, four-bedroom mews building. The surrounding area is predominantly residential. There is a medium degree of pedestrian activity in the immediate vicinity of the property during daytime hours and low levels during the evening/night. There is a low level of vehicle activity along Circus Lane. The small patio area to the rear is enclosed and would have limited impact on neighbour's amenity.

The applicant's planning statement asserts that the use of the property will have a limited impact on local amenity given the mixed-use character of the area and due to the property's main door access.

Despite the private access, the use of the property as an STL would introduce an increased frequency of movement to the property. The proposed STL use would accommodate up to eight persons and enable multiple visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals using the property as a principal home.

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

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

Loss of residential accommodation:

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

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 states that if planning permission is refused, the property is likely to remain vacant except for periodic visits by the owner. It is asserted therefore, that no loss of residential will take place, with the economic benefits of the STL use outweighing the owner's alternative plan for the property.

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

Residential occupation of the property would also contribute 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 arising from the STL use. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

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

Previous Planning Decisions

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

Conclusion in relation to the Development Plan

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

The proposal does not comply with the Development Plan policy NPF 4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

Independent economic impact assessment

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

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

Emerging policy context

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

Equalities and human rights

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

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 76 representations were received (44 objections and 32 supporting comments). A summary of the representation is provided below:

material considerations

- Negative impact on local amenity due to noise disturbance and antisocial behaviour.
- Disruption associated with the commercial servicing of the apartment.
- Negative impact on local and city-wide housing availability and affordability. Addressed in part c).
- Negative impact on the character of the conservation area/setting of the listed building. Addressed in part a/b).
- Negative impact on the residential character/sense of community in the local area. Addressed in part c).
- The size of the property is larger than the typical surrounding units and would likely lead to noise disturbance. Addressed in part c).
- The change of use would result in a loss of residential accommodation. Addressed in part c).
- Negative impact on the parking available for local residents. Addressed in part c).
- STL accommodation brings economic benefit to homeowners. Addressed in part c).
- The STL use will bring economic benefit to local businesses (including tradespeople, local artists, and servicing companies). Addressed in part c).
- The property is self-contained and has private main door access. The amenity impacts will be limited. Addressed in part c).
- The STL use will not disrupt the character of the wider area, with other commercial uses located nearby. Addressed in part c).
- STL use has less of an environment impact than hotel use. Addressed in part c).
- The property will sit empty for much of the year if planning permission is not granted, meaning there will be no loss of residential accommodation. Addressed in part c).

non-material considerations

- Previous applications on Circus Lane have been rejected. Each application is assessed on its own merits.
- STL operators are less likely to maintain the property/shared spaces. Not a material consideration.

- The change of use will set a precedence for future commercial units in the area. Each application is assessed on its own merits.
- The property is well managed, high-quality accommodation. Not a material consideration.
- Allegations made against the applicant's/agents' character. Not a material consideration.
- Negative impact relating to improper waste disposal/littering etc... A Waste Management Plan would have to be agreed with CEC 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 complies with sections 64 and 59 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 20 July 2023

Drawing Numbers/Scheme

01

Scheme 1

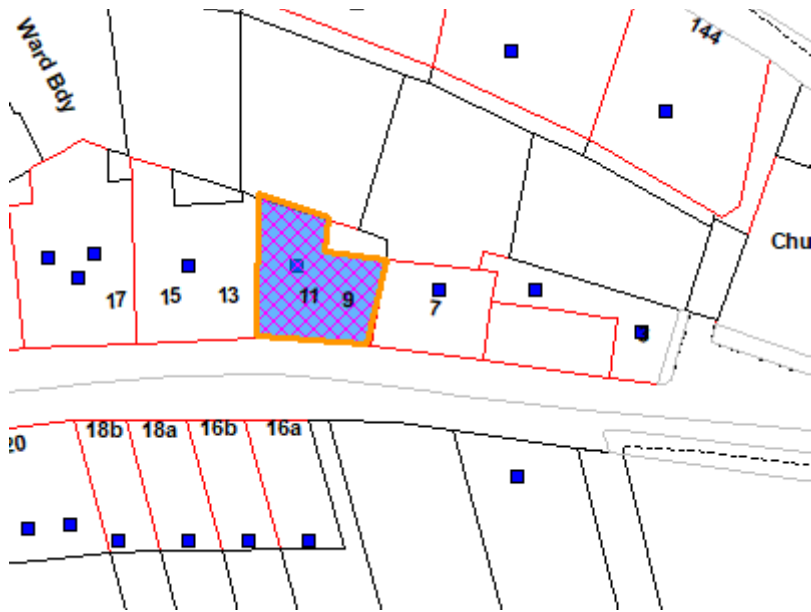
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 8 November 2023

**Application for Planning Permission
4 Crichton's Close, Edinburgh, EH8 8DT**

Proposal: Change of use - vacant office accommodation to 18 No. serviced apartments (Sui Generis). Alterations include internal partitions, new fire escape stair. New double glazing throughout, new protective barriers to allow for safe window cleaning /safe access onto balconies, minor external alterations to entrance to improve existing lobby roof.

**Item – Committee Decision
Application Number – 23/02908/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

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

SECTION A – Application Background

Site Description

The application site is an empty office building at the northern part of Crichton's Close, just off the Royal Mile. It is a mainly red brick building over four floors plus a basement. Originally a brewhouse in the former Holyrood Brewery site, it has some modern additions and interventions such as new windows and timber cladding.

Opposite is the Scottish Poetry Library and close by are the Scottish Parliament, Dynamic Earth and Holyrood Palace and Park. Access can also be from off Holyrood Road via Gentle's Entry and Cooper's Close for both pedestrians and vehicles.

There are a number of listed buildings nearby including 124 Canongate (Category B; ref: LB28443; date of listing: 14/12/1970) which was also part of the Holyrood Brewery, and Burgh Cross (Category B; ref LB27796; date of listing: 14/12/1970). The application site building is not listed.

A mix of uses is found in the surrounding area including shops, bars, restaurants, cafes, place of worship, residential and student accommodation. The Royal Mile is a busy thoroughfare and key tourist route. The application site is on a bus route and within walking distance of Waverley Station.

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

Description of the Proposal

The proposal is for the change of use from offices (class 4) to serviced apartments (*sui generis*) and external and internal alterations to accommodate the change of use. Eighteen serviced apartments are proposed in the building.

External doors and windows will be replaced with aluminium framed double glazing and protective safety barriers for windows will be installed in the form of horizontal metal rods. A new fire escape door and a window above it will be installed. Rooflights will be replaced in existing openings and new rooflights will be installed. The existing balconies on the south elevation will remain.

Access into the building will use the existing entrance on Crichton's Close which will be level access. A new metal handrail and balustrade in dark grey finish are proposed for the existing stair on the east elevation. A new timber vertical slatted curved privacy screen is proposed to be located just outside the entrance.

A bin store will be created in the pend which will also house the air source heat pumps (ASHPs). Timber cladding will be used to enclose the store with access through timber double doors.

Internally, partitions will create the rooms and each room will have a kitchen and en-suite. A lift will be fitted in the existing shaft, a fire escape staircase will be installed, and laundry facilities are proposed on each level.

Revised Scheme

Cycle parking and ASHP details added.

Supporting Information

- Design and Access Statement
- Supporting Statement
- Air Conditioning Units Specification
- ASHP Specification

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

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Roads Authority (Transport Planning)

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 July 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 21 July 2023

Site Notices Date(s): 18 July 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 adjacent listed buildings and setting?

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

- Managing Change in the Historic Environment: Setting

The impact on the setting of adjacent listed buildings requires to be assessed.

The proposed external changes to the unlisted building will be a mix of traditional and modern styles and materials. The immediate vicinity of the building includes both traditional historic buildings and modern buildings with many of the historic buildings also containing modern elements. In this context, the proposals will not detract from nor harm the setting of neighbouring listed buildings.

Therefore, the setting of adjacent and neighbouring listed buildings will not be changed or compromised by the proposals.

Conclusion in relation to the listed building

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

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

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

- Managing Change in the Historic Environment: Conservation Areas is relevant in the determination of this application.

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

There will be no change to the medieval layout of the streets or to the overall relationship of the building to the traditional street pattern. The proposed use is one which is found in the conservation area, and which will contribute to the mix of uses in the conservation area.

The proposed external changes are of a minor nature in the overall design and appearance of the building. Replacement windows are of a style found throughout the conservation area and will not detract from its character. Materials proposed are appropriate for use in a conservation area and reflect the mix of traditional and modern materials characteristic of the street and surrounding area.

The character and appearance of the conservation area will be preserved.

Conclusion in relation to the conservation area

The proposal will preserve the character and appearance of the conservation area and comply with 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 Tackling the climate and nature crises Policies 1 and 2.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Zero Waste Policy 12.
- NPF4 Sustainable Transport Policy 13.

- NPF4 Design, Quality and Place Policy 14.
- NPF4 Productive Places Tourism Policy 30.
- LDP Housing Policy Hou 7.
- LDP Design Policies Des 5 and Des 12.
- LDP Transport Policies Tra 2 Tra 3 and Tra 4.
- LDP Employment and Economic Development Policy Emp 9.
- LDP Delivering the Strategy Policy Del 2 (City Centre Policy).

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

Historic Assets and Places

Listed Buildings and Conservation Area

It has been concluded in sections a) and b) that the proposal will not harm the setting of neighbouring listed buildings and that the character and appearance of the conservation area will be preserved.

World Heritage Site

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

The proposal complies with NPF 4 Policy 7.

Proposed Use (Principle of Development)

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site. It is close to local facilities and public transport routes as well as being within walking and cycling distance of local facilities and the city centre. The site is sustainably located. ASHPs are proposed to be retrofitted into the building and will contribute to minimising emissions from the development which is compatible with NPF4 policy 2 (re: minimising emissions). Providing recycling bins within the bin store will contribute to NPF4 policy 12 (zero waste).

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) of NPF4 specifically relates to STL proposals. The proposed use as serviced apartments is considered to provide the same type of tourist accommodation as STLs.

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

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

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

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

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

The proposal will provide accommodation for tourists and individuals visiting the city, within an area of already mixed use. The proposal will provide new tourist accommodation, be compatible with surrounding uses and be able to make use of sustainable transport opportunities. The proposal will not prejudice or inhibit the activities of any nearby employment use and will contribute to some degree to the vitality of the city centre. The proposal complies with the objectives of NPF4 Policy 30 and LDP Policy Del 2.

There is no LDP policy applicable to the loss of office use in the City Centre. However, LDP policy Emp 9 (Employment Sites and Premises) is applicable and redeveloping the site for another business use complies with LDP Policy Emp 9. The office use could be considered as falling under use paragraph 2 of use class 1A (financial, professional, or other services) where the service is provided to visiting members of the public. However, its former office use falls under class 4 (business) as the office use occupied the entire building where the service was not primarily provided for visiting members of the public. As such, it is considered in line with LDP Emp 9.

Neighbouring Amenity

Policy Hou 7 aims to preclude the introduction or intensification of non-residential uses in predominantly residential areas and to prevent further deterioration in living conditions in more mixed-use areas which nevertheless have important residential functions.

Crichton's Close is a quieter street in comparison to the busier streets of the Royal Mile and Holyrood Road close by. There is a mix of uses in the surrounding area, such as shops, bars/restaurants/cafes, offices, hotels and residential. The area is also characterised by tourist activities, such as hotels and short term let properties. There is an element of ambient background noise and activity in the street and area due to the mix of uses nearby and busy vehicular and pedestrian routes. It is not expected that the proposed change of use would increase the ambient background noise.

The street will experience a higher level of activity and footfall as a result of the proposed development; however, it is in a city centre street in the city centre core where such activity already takes place. It is acknowledged that transient visitors may have less regard for neighbours' amenity than local residents. Anti-social behaviour, such as noise, can be dealt with through the responsibilities of other legislation and services, such as Police Scotland or Environmental Protection.

The proposal is in a densely developed area and will not result in an unreasonable impact on privacy or overlooking of neighbouring properties. Most of the overlooking is onto public streets. There is current overlooking of neighbouring properties to the south from windows and balconies in the existing building. These properties face onto a path and steps accessible by the public which connects Cooper's Close with Gentle's Entry. Private garden areas, mainly all hard standing, are marked by low boundary treatments and are next to the entrances to the communal stairs. Due to the closeness of neighbouring buildings and spatial pattern, there is much existing overlooking. The proposed change of use will result in a different use pattern compared to the existing (vacant) and previous (offices) situations. The use of the building as a commercial property is established and the building is in a densely developed area. In these circumstances, the proposal will not have an unreasonable impact on privacy or overlooking.

Environmental Protection has advised that it has no objection to the application and that it is not anticipated that the ASHPs would impact amenity of existing residential properties in the form of plant noise. An informative is recommended, should planning permission be granted, relating to NR25 in terms of plant noise.

The proposal will not result in an unreasonable loss to neighbouring residential amenity. The proposal complies with LDP Policies Hou 7, Des 5 and Des 12. There will not be a loss of residential use as the building's previous use was as offices. The proposal will be compatible with the nature of the surrounding area and will not hinder the provision of homes and services for local people. As such, the proposal will comply with NPF4 policy 30 (part b).

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

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

The proposal will retain the overall existing design of the building and the proposed minor alterations will not detract from the overall character or appearance of the building. Changes to the windows and doors will sit comfortably in the building, within the street and surrounding area. Materials proposed will reflect those used in the surrounding area.

In terms of the impact on amenity (Des 12-part c), this has been covered above (under heading Proposed Use/Principle of Development).

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

Transport and Parking

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

The Roads Authority (Transport) has advised that it has no objection to the application subject to conditions or informatives as appropriate relating to the provision of two secure cycle parking spaces.

Zero parking is acceptable, and the required cycle parking provision is now included (in revised drawing). The use of sustainable transport modes such as walking, cycling, and using public transport will be encouraged due to the location of the building,

The proposal complies with NPF4 Policy 13 and LDP policies Tra 2, Tra 3 and Tra 4.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

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. Level access and a lift will be provided.

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

Public representations

A summary of the representations is provided below:

material considerations

- amount of short term lets in area. Addressed in section d).
- impact on community. Addressed in sections c) and d).
- impact on residential amenity. Addressed in section c).
- economic impact/tourism money/spend. Addressed in sections c) and d).
- increased traffic. Addressed in section c)
- materials. Addressed in sections a), b) and c).
- window design. Addressed in sections b) and c).
- lack of any over-arching vision, strategy, or action plan. Addressed in section d).

non-material considerations

- profits
- litter
- loss of local facilities, e.g., grocer shops; post office
- housing suggested as use of building
- no concierge- residents act as informal/unpaid staff
- numbers of people staying in room
- parking; parking on double yellow lines

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

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. Noise from all plant (including air source heat pump system) should comply with NR25 within the nearest residential property (with window partially open for ventilation purposes).
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 5 July 2023

Drawing Numbers/Scheme

01-11,12A,13-21

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Roads Authority (Transport Planning)

COMMENT: No objections subject to provision of two secure cycle parking spaces.

DATE: 18 July 2023

NAME: Environmental Protection

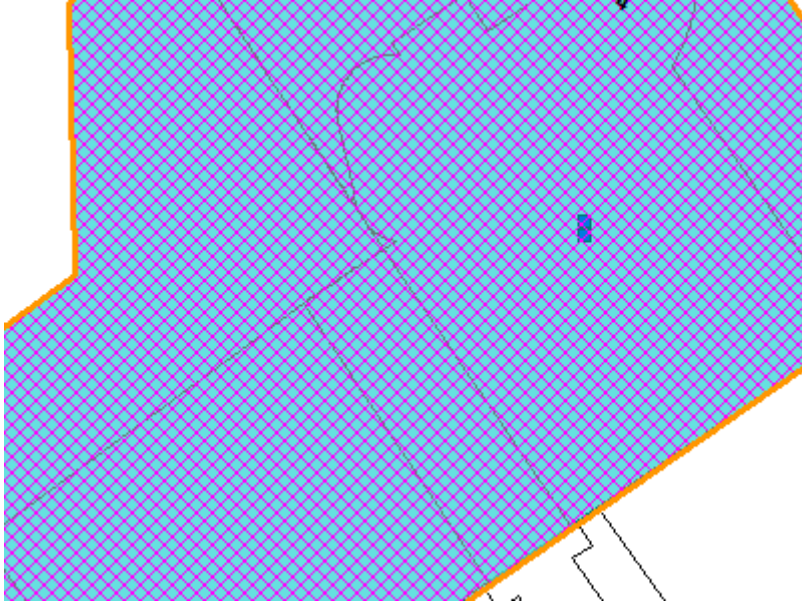
COMMENT: No objection.

Informative recommended: Noise from all plant (including air source heat pump system) should comply with NR25 within the nearest residential property (with window partially open for ventilation purposes).

DATE: 4 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 8 November 2023

**Application for Planning Permission
31 Duddingston View, Edinburgh, EH15 3LZ**

Proposal: Erection of rear extension to dwelling house and installation of new mansard roof over entire extent of existing and extension footprint to create additional living accommodation on the upper floor.

**Item – Committee Decision
Application Number – 23/03375/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposals do not raise any issues in respect of the global climate crisis and will not have an adverse impact on neighbouring amenity. However, the proposals are not subservient to the original dwellinghouse and are not of an acceptable scale, form, and design. The proposals would overwhelm the form of the original house and would introduce an incongruous roof design leading to an adverse impact on the character and appearance of the surrounding area. The proposals do not comply with the aims of the development plan and are contrary to NPF 4 policies 14 and 16g, LDP policy Des 12 and the Council's Non-Statutory Guidance for Householders.

SECTION A – Application Background

Site Description

The application site is a detached bungalow dwelling with a hipped roof, located on a corner plot situated on the southern side of Duddingston View. The surrounding area is entirely residential in nature and is predominantly characterised by bungalow dwellings of a similar design and form. Bingham Park is located directly to the south of the site.

Description of the Proposal

The application proposes a full width ground floor extension to the rear of the premises, and the formation of a new mansard roof at first floor level. The new roof would completely replace the existing roof and would extend out to cover the new ground floor extension. Two new dormer windows would be incorporated within the principal roof plane and one dormer within each of the respective gable roof planes. A Juliet balcony will be situated on the rear of the new roof, with a stainless-steel flue running up the eastern elevation.

Supporting Information

Supporting Statement

This is available to view on the Planning and Building Standards Online Service.

Relevant Site History

23/00222/FUL

31 Duddingston View

Edinburgh

EH15 3LZ

Erect a rear extension to dwellinghouse and install a new mansard roof over whole of existing and extension footprint to create additional living accommodation on upper floor.

Refused

1 May 2023

Other Relevant Site History

No relevant history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 3 August 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 Policy 1
- NPF4 Policy 16g
- LDP Design policies Des 12

The non-statutory Guidance for Householders is a material consideration that is relevant when considering NPF4 policies 1 and 16g, and LDP policy Des 12.

Global climate and nature crisis

Policy 1 of NPF4 recognises the global climate and nature crises in all decisions to ensure it is a priority in all plans and decisions. It should be applied together with the other policies in NPF4. The proposed development does not conflict with the intended outcomes of NPF4 and on balance there is not considered to be any significant conflict with Policy 1 or the provisions of NPF4.

The proposals comply with NPF4 Policy 1.

Scale, form, design, and neighbourhood character

Policy Des 12 of the adopted Edinburgh Local Development Plan states that permission will be granted for alterations and extensions to existing buildings which in their design and form, choice of materials and positioning are compatible with the character of the existing building, and which will not be detrimental to neighbourhood amenity. In addition, the Council's Non-Statutory Guidance for Householders outlines that bungalow extensions should be designed in a way that retains the character of the original property and is subservient in appearance. The guidance further advises that any extension to an original bungalow should be in keeping with the roof design of the existing property and that the hipped roof character of the existing building should be respected.

The proposal would result in both a significant enlargement of the original dwelling and the construction of an entirely new roof, with a mansard roof replacing the existing original hipped roof. The proposal would significantly enlarge the floor area of the existing original dwelling, extending it from 134 square metres to 293 square metres. Combined with the significant change in the roof design, the proposal as a whole would overwhelm the original dwelling and significantly alter its original built form, scale, and appearance.

In contrast with the existing roof which has a pitch angle of 30 degrees, the new roof would have a much steeper pitch of 76 degrees on three sides, with the rear plane being a flat with a 90-degree pitch. The proposed changes to the roof represent a fundamental redesign which does not respect the existing hipped roof design, and which, combined with the enlargement of the dwelling, would result in the formation of a highly incongruous development which would have a significantly detrimental impact on the surrounding streetscape.

In addition to the above, the proposal would also result in the formation of two dormers on the principal roof plane. While dormer windows are situated on the principal roof planes of several properties within the streetscape, the established character of the area is for no more than one dormer on the principal roof plane. Therefore, the addition of two dormers would not be compatible with the wider neighbourhood and is only achievable through the fundamental change in the roof form to a mansard roof.

While there are limited examples of mansard style roofs within the wider Duddingston area, there is only one example of a bungalow located on Duddingston View itself where the original hipped roof has been replaced with a mansard roof. This is the premises at number 17 which is situated further to the east of the application site, and which was granted planning permission on appeal by the Local Review Body in 2011 for a new mansard roof (application reference 11/03219/FUL). Within the immediate streetscape of Duddingston View, the vast majority of dwellings retain their original hipped roofs, with any non-original interventions primarily limited to dormer windows which have not fundamentally changed the form of the roofs.

Having regards to the combined impact of the new roof profile and the enlarged footprint of the dwelling, the proposal is not acceptable in respect of its scale, form, design, and impact on neighbourhood character. The proposal does not comply with NPF 4 policies 14 and 16g, LDP Policy Des 12 or the Council's Non-Statutory Guidance for Householders.

Neighbouring Amenity

The position and orientation of the new roof may result in 10.8 square metres garden ground in the neighbouring property to the west being overshadowed to a potentially adverse degree. However, this premises has a total useable garden area of 246 square metres and as such the majority of the garden will not be affected by any additional adverse overshadowing.

The proposal complies with the 45-degree test in relation to the neighbouring premises to the west and will not result in an unreasonable loss of daylight to this premises.

The proposal will not have an adverse impact on the amenity of neighbouring residents.

Conclusion in relation to the Development Plan

The proposals have due regard to global climate and nature crisis and will not have an adverse impact on neighbouring amenity. However, the proposals are not acceptable in respect of scale, form, and design, and are not compatible with the existing building or neighbourhood character. Therefore, the proposals do not comply with the overall objectives of the 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.

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

Public representations

A petition in support of the proposed development has been submitted containing a total of 42 signatures. The petition states that the signatories support the proposal and that it will be in keeping with the character and appearance of the surrounding area and this consideration is assessed in section a) of the report. While the volume of support which has been expressed in respect of the application is acknowledged, this does not outweigh the position of the planning authority that the proposals are not acceptable for the reasons stated in the report.

Conclusion in relation to identified material considerations.

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

Overall Conclusion

The proposals do not raise any issues in respect of the global climate crisis and will not have an adverse impact on neighbouring amenity. However, the proposals are not subservient to the original dwellinghouse and are not of an acceptable scale, form, and design. The proposals would overwhelm the form of the original house and would introduce an incongruous roof design leading to an adverse impact on the character and appearance of the surrounding area. The proposals do not comply with the aims of the development plan and are contrary to NPF 4 policies 14 and 16g, LDP policy Des 12 and the Council's Non-Statutory Guidance for Householders.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposals are contrary to policy 16 (g) (i) of National Planning Framework 4 as they would have a detrimental impact on the character of the home and the surrounding area in terms of size, physical impact, and design.
2. The proposals are contrary to NPF 4 Policy 14c as the works would be detrimental to the amenity of the surrounding area and inconsistent with the six qualities of successful places as the proposal does not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.
3. The proposals are contrary to policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) as in their design and form, choice of materials and positioning they are not compatible with the character of the existing building and will be detrimental to neighbourhood amenity and character.

4. The proposals are contrary to the Council's Non-Statutory Guidance for Householders as they are not compatible with the character of the existing building and will have a detrimental impact on the character and appearance of the surrounding neighbourhood.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 31 July 2023

Drawing Numbers/Scheme

01 - 06

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Allanson, Senior Planning Officer
E-mail: james.allanson@edinburgh.gov.uk

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 8 November 2023

**Application for Planning Permission
6 Picardy Place, Edinburgh, EH1 3JT**

Proposal: S42 application for non-compliance with Condition 1 of permission 21/05443/FUL. Removal/variation of condition sought to ensure the control and treatment of odours from the premises by utilising a recirculation unit; require ongoing maintenance of the odour control equipment and to limit the range of cooking equipment to that used by Taco Bell.

**Item – Committee Decision
Application Number – 23/02655/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

In accordance with the statutory scheme of delegation, the application has been referred for determination by the Development Management Sub-committee as it has been requested by a Councillor.

Recommendation

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

Summary

The proposal does not comply with the National Planning Framework 4, the Edinburgh Local Development Plan and the Council's non-statutory guidance by virtue of its detrimental impact on amenity. There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a ground floor commercial unit, within a four storey and basement tenement building. The building is situated on the north side of Picardy Place and extends north to Broughton Street Lane. There are residential properties within 30 metres of the application site.

It is within the New Town Conservation Area. The property is a Statutory B Listed Building, Item no 29488 (16.6.1966)

Description of the Proposal

An application under Section 42 for non-compliance with Condition 1 of planning permission 21/05443/FUL; removal/variation of condition 1 sought to ensure the control and treatment of odours from the premises by utilising a recirculation unit; require ongoing maintenance of the odour control equipment and to limit the range of cooking equipment.

Specifically, the proposal seeks to include a frier, steamer, rethermaliser, toaster and a hot plate to the permission (21/05443/FUL).

Relevant Site History

21/05442/LBC
6 Picardy Place
Edinburgh
EH1 3JT

Alterations to shopfront; installation of ventilation louvres on rear elevation; internal alterations associated with installation of restaurant.

Granted

17 December 2021

21/05443/FUL
6 Picardy Place
Edinburgh
EH1 3JT

Change of use of premises from class 2 (bank) to class 3 (restaurant) (restricted) and external alterations to shopfront and rear elevation.

Granted

1 April 2022

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 29 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 7 July 2023

Site Notices Date(s): 4 July 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

Section 42 of the Town and Country Planning (Scotland) Act 1997 (the Act) relates to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

On such an application the planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and'

- (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly;

- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

If an application under Section 42 of the Act is granted it creates a new planning permission with a new default time period for implementation unless otherwise determined. Accordingly, the proposals also require to be determined under Sections 25, 37 and 59 of the Act.

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

Do the proposals comply with the development plan?

Therefore, consideration shall be given to the proposed change to the condition and any other conditions attached, in particular whether:

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or
- ii) an alternative condition or conditions would result in a development that is in accordance with the development plan; and
- iii) there are any material considerations that outweigh the conclusions in respect of i) and ii) above.

Assessment

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

a) The proposals comply with the development plan?

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

- NPF 4 Policies 1, 14, 16 and 27.
- LDP Design Policies Des 5
- LDP Housing Policy Hou 7.

The non-statutory Business Guidance is a material consideration that is relevant when considering the aforementioned policies.

Principle of Development

Since the previous application, National Planning Framework 4 has been adopted and the Non-statutory Guidance for Business has been updated.

The principle of this Section 42 application is to remove Condition 1 that was attached to planning permission 21/05443/FUL. The purpose of condition 1 was to ensure the protection of neighbouring residential amenity. The condition restricted the range of cooking equipment that could be used, as the application did not propose to use a ventilation system that would expel cooking effluvia to a suitable height, rather it proposed to utilise a 'Reflow Recirculation and Filtration System' to deal with the effluvia generated from the cooking operations.

This application seeks to introduce the recirculation system, with a maintenance schedule to ensure it operates at maximum efficiency and continue to have a restriction on the cooking equipment. The equipment proposed is as follows: a cheese melter, a split lid grill, a flat top grill, a rethermaliser and a fryer.

As will be assessed below, the proposed removal of this condition would have the potential to have a detrimental impact on neighbouring residential amenity and for this reason the proposal would be unacceptable in principle.

This is contrary to NPF4 Policies 14, 16 and 27 and LDP Policies Des 5, Hou 7 and would have a neutral impact in terms NPF4 Policy 1.

Amenity

Environmental Protection was consulted in relation to the application and could not support the proposal by virtue of the likely detrimental impact on residential amenity. Specifically, the ventilation system would be unable to achieve a consistent standard without regular maintenance. The applicant has obtained a KC's opinion that sets out reasoning and justification for the imposition of a condition requiring on going maintenance of the system. The applicant would also accept a condition restricting the permission so that it would form a 'personal permission'.

Whilst the relevant circular on the imposition of conditions does include reference to the use of conditions requiring maintenance to be carried out, it requires a planning authority to be fully satisfied that it is reasonable in its effects. Moreover, a condition must also meet the six tests sets out in the circular, and these include enforceability and reasonableness in all other respects.

The Council is satisfied that the approach advocated by the applicants fails to meet all six tests; although the Council, as planning authority, could require confirmation that the agreed maintenance regime was being undertaken, thereby complying with the enforceability test in a purely practical manner, it would have no comfort that the result of such maintenance was reasonable in its effects or in all other respects.

Advice from Environmental Protection is that these systems do not necessarily operate as efficiently as claimed, and although it could be demonstrated that maintenance had been carried out, it would not necessarily follow that it had been undertaken in a manner that would ensure residential amenity was suitably protected.

In addition, Environmental Protection has concerns that the efficiency of such systems could be affected by the type of cooking; whilst a condition could be imposed to restrict cooking equipment, it would be unreasonable to seek to control the type of food cooked.

As the overarching reason for the imposition of a condition is to make a development otherwise unacceptable, acceptable, the Council is entitled to come to a conclusion that the application would not effectively protect residential amenity and should be refused for that reason.

This is contrary to NPF4 Policies 14, 16 and 27 and LDP Policies Des 5, Hou 7

Conclusion in relation to the Development Plan

The proposal would be contrary to NPF4 Policies 14, 16 and 27 and LDP Policies Des 5, Hou 7

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

One comment was received (Objection).

Material Representations -

Odours: this is addressed in section a)

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposal does not comply with the National Planning Framework 4, the Edinburgh Local Development Plan and the Council's non-statutory guidance by virtue of its detrimental impact on amenity. There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as it could not be certain that residential amenity could be protected.
2. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it could not be certain that residential amenity would be protected.
3. The proposal would be contrary to NPF4 Policy 14 (Liveable Places), which seeks to protect amenity, as it could not be certain that the proposal would not have an unacceptable impact on amenity.
4. The proposal would be contrary to NPF4 Policy 16 (Liveable Places) which seeks to protect amenity, as it could not be certain that the proposal would not have an unacceptable impact on amenity.
5. The proposal would be contrary to NPF4 Policy 27 (Productive Places) which seeks to protect amenity, as it could not be certain that the proposal would not have an unacceptable impact on amenity.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 20 June 2023

Drawing Numbers/Scheme

01

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Conor MacGreevy, Planning Officer
E-mail: conor.macgreevy@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

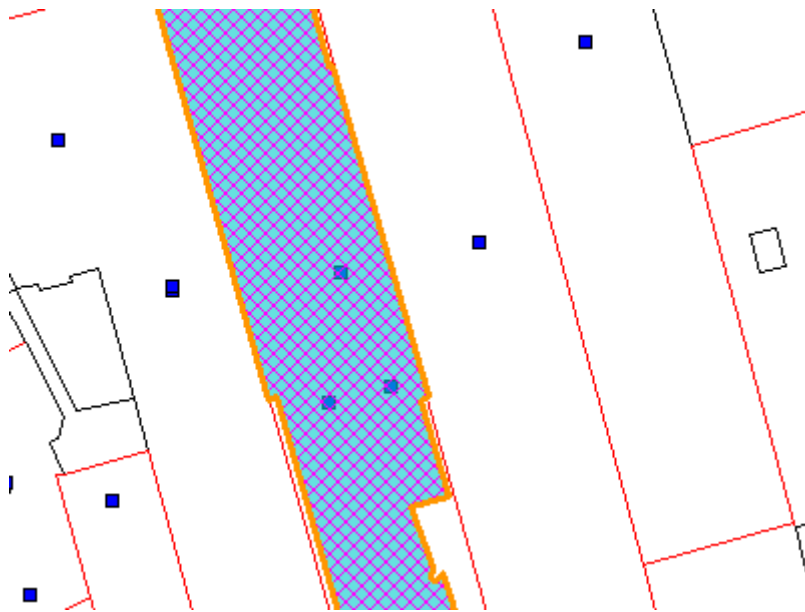
NAME: Environmental Protection

COMMENT: Object to the proposal on the grounds of its impact on amenity.

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 8 November 2023

**Application for Planning Permission
Development At Pittville Street Lane, Edinburgh,**

Proposal: Demolition of water tower and alterations to former laundry building. To be replaced with residential dwelling, with garage and garden deck (as amended).

**Item – Committee Decision
Application Number – 20/04260/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due to the numbers of letter of representation received exceeded the scheme of delegation in place and the time of submission.

Recommendation

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

Summary

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

The proposal complies with the policies set out in National Planning Framework 4 (NPF 4) and the Edinburgh Local Development Plan (LDP). The proposal makes effective use of a brownfield site. The proposal has been amended to retain features worthy of retention. The proposed scheme represents a high quality, modern reinterpretation of the existing buildings which will signify the new residential use of the site. The proposal will ensure the long-term future of a long vacant and damaged building. The proposals comply with all relevant design proposals and will make a positive contribution to the area. The proposal will not impact neighbouring amenity and future occupiers will have an acceptable level of amenity. Provision is made for one car parking space and the proposed garage could also be used for cycle parking. The proposed scheme will not increase risk of surface water flooding.

There are no material planning considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal relates to a two-storey building, formerly a laundry associated with the public baths, and associated water tower on the east side of Pittville Street Lane.

The former laundry was most likely a coach house associated with Marine Villa which was demolished in 1893. Following the construction of Portobello Baths in 1901, the building acted as a laundry and the associated water tower was constructed in 1926. In 1936 the first floor of the laundry building was significantly altered to facilitate the installation of a drier with a permanent louvred ventilation pop up built at the roof level directly over the drier position at that time.

North, south, and west walls of the laundry as well as the north wall of the outshoot comprise original stone walls. The east and south facing walls of the outshoot and east walls of the main building are not original. Non-original dash walls are visible on the upper level of the west elevation and concrete render has been applied to the non-original east and south facing walls of the outshoot, as well as the long east wall of the former laundry.

In terms of the surrounding area, to the north of the application site there is a narrow lane accessing the back of a tenement building and the common garden area to the east which belongs to the tenement properties. The garden is not shared by the former laundry. To the south is a neighbour's single storey garage. To the west, separated by the lane, is the east facing elevation of Portobello Baths.

The lane has undergone significant change. The east side of the lane in particular is characterised by a range of modern garages with some original stone walls remaining. The west side is more residential, with single storey dwellings on the north part of the lane and garden walls and garages to the south.

Description of the Proposal

The proposal is for the full demolition of a 10-metre high, concrete panelled water tower and the partial demolition of a neighbouring two storey former laundry.

The former laundry building is to become a three-bedroom dwelling. Externally, original sandstone walls on the north and west elevation are to be retained, whilst non-original concrete rendered walls on the east and south elevations are to be removed and replaced. A non-original first floor extension is to be replaced by a modern extension, finished externally with concrete effect panelling. The proposal also includes the formation of a dormer window which will be visible from the principal elevation.

The application includes the formation of a new structure to replace the existing water tower which will house a garage at ground floor level and a garden deck on upper levels. The new tower structure is to be finished externally with a concrete effect rain screen, with galvanised steel mesh openings.

Revised Scheme

The revised scheme removes the proposed commercial use of the ground floor. The revised scheme reduces the height of the replacement tower structure, retains elements of the masonry walls of the neighbouring two-storey building and makes general design changes internally and externally.

Supporting Information

- Bat Survey
- Design Statement
- Surface Water Management Plan

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

Relevant Site History

21/04594/CON

Development At Pittville Street Lane

Edinburgh

Full demolition of water tower and partial demolition of former laundry building (as amended).

Other Relevant Site History

06.09.2023 - Decision not to make a Tree Preservation Order - Acer pseudoplatanus - Acer pseudoplatanus A1 - 20% crown thin and 20% crown reduction, removal of dead wood, Acer pseudoplatanus Sycamore A2 - Remove due to suppression by neighbouring tree A1 - Acer pseudoplatanus Sycamore A2 - Remove due to suppression by neighbouring tree A1, Corylus avellana C1 - Remove self-seeded tree - Corylus avellana C1 - Remove self-seeded tree (application reference: 23/03961/TCO).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Planning

Archaeology

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 31 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 31 March 2023/30 October 2020

Site Notices Date(s): 28 March 2023/27 October 2020

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 which 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 Portobello Conservation Area Character Appraisal (CACA) emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

The Portobello CACA notes, "On the north side of the High Street, the majority of Georgian streets run at right angles north towards the Promenade. Most of these streets are serviced by back lanes which originally provided access to stables and mews buildings". Pittville Street Lane sits between and services both Pittville and Bellfield Streets. The former laundry building and neighbouring water tower are located towards the northern end of the lane. The former 2-storey traditional style late 19th century sandstone laundry building is attached to the 20th century reinforced concrete water tower structure.

As set out in detail in the associated application for Conservation Area Consent the applicant has submitted a Structural Condition Report in relation to both buildings. The report identified significant structural failings in relation to the water tower. This report has been assessed by officers from Historic Environment Scotland (HES) and they have advised that they agree with the report findings in this regard. The full demolition of the water tower is justified on the basis that its structural condition rules out its retention.

The historic stonework of the laundry building makes a positive contribution to the lane and the public elevations of this building are typical of the former coach houses found in similar service streets north of the High Street. The loss of original stonework at other points on Pittville Street Lane and the introduction of poor-quality modern garages has somewhat eroded the character of the Lane.

The original scheme proposed the full demolition of the former laundry building. However, following consultation with HES the scheme has been amended to retain the historic rubble masonry on all public elevations, including the repair of damaged stonework, using salvaged stone where possible. This is a significant improvement on the original scheme and will preserve the character of the lane.

The existing water tower is to be replaced by a new garden tower which is to be non-habitable and open to the external air. The new structure will be the same height and footprint as the existing structure. The external walls are to be finished with concrete effect panelling, with galvanised steel mesh openings. This represents a modern reinterpretation of the existing structure which is also formed of concrete with mesh openings.

The former laundry building is also to be updated. The proposal includes the removal of a non-original flat roof extension which is to be replaced by a modern extension also finished with a concrete panelling. The building will retain window positions and proportions. The retention of the historic stonework in conjunction with limited modern interventions, such as new double/triple glazed alu-clad windows represent a high-quality, coherent, modern take on the traditional mews form which will visibly demonstrate the building's new use as a residential property.

The proposal will ensure the long-term future of a long vacant and damaged building and will make a positive contribution to the Conservation Area.

Conclusion in relation to the conservation area

The proposals will preserve the character and appearance of the conservation area 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 Place Policies 1, 2, 4, 7, 9, 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 policy Env 12
- LDP Housing policies Hou 1, Hou 3 and Hou 4
- LDP Transport policies Tra 2, and Tra 3

Edinburgh Design Guidance, non-statutory guidance set out in the Council's Listed Buildings and Conservation Areas guidance document and Supplementary Guidance for Developer Contributions and Infrastructure Delivery are relevant to the assessment of the above.

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 associated application for Conservation Area Consent (application reference: 21/04594/CON). The proposals comply with NPF4 Policy 7.

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.

As set in detail in section a) above, the proposed scheme has been revised to ensure that elements of original stonework that make a positive contribution to the Conservation Area are retained.

The existing water tower is to be replaced by a new garden tower which is to be non-habitable and open to the external air. The new structure will be the same height and footprint as the existing structure. The external walls are to be finished with concrete effect panelling, with galvanised steel mesh openings. This represents a modern reinterpretation of the existing structure which is also formed of concrete with mesh openings.

The demolition of the water tower includes the removal of stone piers on the west elevation. The piers appear to be associated with Marine Villa which previously occupied the site to the north. The piers in themselves are in poor condition and are not typical of a lane of this type. Although they may have been associated with Marine Villa, it is not clear they are in their original position. The applicant has indicated they intend to carefully remove the piers to consider whether they can be utilised in the development at a later date. HES did not identify the piers specifically for retention and the overall contribution they make to the conservation area is limited. CEC Archaeology has been consulted on the scheme and has recommended a scheme of archaeological works is undertaken prior to initiation of development. This will include a photographic record of the existing water tower and stone piers in situ. This condition has been included as part of the Conservation Area Consent application. The removal of the piers is acceptable in this case.

The former laundry building is to be updated. The proposal includes the removal of a non-original flat roof extension which is to be replaced by a modern extension, also finished with a concrete panelling. The building will retain window positions and proportions. The retention of the historic stonework in conjunction with limited modern interventions, such as new double/triple glazed alu-clad windows represent a high-quality, coherent, modern take on the traditional mews form which will visibly demonstrate the building's new use as a residential property.

The proposed dwelling is in an established settlement area and is within walking distance of bus services and amenities on Portobello High Street. A mix of housing types are present in the surrounding street, with single storey dwellings to the west and tenement dwellings to the north. The introduction of a three-bedroom dwelling will be appropriate in this location.

As the proposal includes the repair and possible replacement of existing stonework and also includes the use of some modern materials, a condition has been included requiring the applicant to provide detailed information on all materials to be used prior to initiation of development.

The proposal has been amended to retain features of the former laundry which contribute positively to the area. The proposed scheme represents a high quality, modern reinterpretation of the existing buildings which will signify the new residential use of the site. The proposal will ensure the long-term future of a long vacant and damaged building. The proposals comply with all relevant design proposals and will make a positive contribution to the area.

Climate Mitigation

NPF4 Policy 2 a) (climate mitigation and adaptation) 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 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.

NPF 4 Policy 12 (Zero Waste) states that proposals should seek to reduce, reuse, or recycle materials in line with the waste hierarchy. Development proposals will be supported where they reuse existing buildings and infrastructure, minimise demolition, salvage materials for reuse, minimise waste and reduce pressure on virgin materials.,

The proposal makes use of a brownfield site and will bring an area occupied by vacant and damaged buildings back into productive residential use. The applicant has undertaken a thorough structural assessment of both existing buildings. The poor condition of the water tower precludes its reuse. The applicant has amended the design of the scheme to ensure that original stone walls of the former laundry building can be repaired retained and incorporated into the scheme.

The laundry building is not watertight at present and the repair and reuse of the building will be carried out in line with current building regulations in relation to energy and insulation standards. Upon occupation of the dwelling residential waste will be removed by the Council's waste management services in line with existing arrangements for surrounding properties. The applicant will need to contact the Council's Waste and Cleaning Service to arrange a waste strategy.

The proposal makes use of a brownfield site, and the design ensures opportunities to retain and repair elements of the existing structure have been taken. The proposal will be designed in line with current building regulations. The proposal complies with NPF4 Policy 2, Policy 9, and Policy 12.

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 Edinburgh Design Guidance.

With regards to privacy, Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. In this instance the proposed development has been amended to remove a proposed roof terrace from the scheme in order to protect neighbouring privacy. One kitchen window at first floor level of the proposed dwelling will overlook the neighbouring garden to the east. However, this garden area is extensively overlooked by the surrounding tenements. Openings within the proposed garden tower are high level and do not offer direct views to residential properties. Mesh coverings also limit views. The proposal will not result in a loss of privacy to neighbouring properties.

The proposed development will not increase the footprint or height of the buildings and will have no impact on daylight to neighbouring windows or sunlight to neighbouring gardens.

In terms of amenity for future occupiers, the proposed development will exceed the 81 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. The application site is fully taken up by the proposed dwelling and future residents will not have access to the shared green associated with the tenement properties to the rear. However, the application includes a garden deck within the replaced tower structure and the application site is located beside Portobello Beach and within walking distance of Abercorn Park.

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 a minor infringement of Hou 3 is justified in this case as amenity space is provided and the site is within walking distance of public amenity.

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).

Trees

Public comments have expressed some concern regarding the potential for demolition and construction work to damage mature trees within the neighbouring garden ground to the east. A self-seeded Common Hazel tree (tree C1) and a Sycamore tree (tree A2) are situated directly adjacent to the east wall of the application site. The Sycamore has been suppressed by a neighbouring tree. Permission was granted for the removal of these trees in September 2023 through application 23/03961/TCO.

A further Sycamore tree (tree A1) is located in the east corner of the garden ground neighbouring the site. The proposed development site does not fall within the root protection zone of this tree. The proposals also include the reuse of existing foundations. The proposals will not harm this tree.

Demolition of the water tower and elements of the former laundry building will need to be undertaken carefully to avoid damage to the elements of the building which are to be retained and to ensure stone can be salvaged and reused. A Demolition and Construction Method Statement will be required prior to initiation of development, and this should include an outline of how retained trees in the neighbouring garden will be protected whilst works are conducted.

The proposal complies with LDP Policy Env 12 (Trees).

Protected Species

Bat survey work was undertaken as part of the assessment of the scheme. No evidence of bats was found. The roof structure was noted to be wet, with moss and algae present on the external surface. Internal wooden roof slats were also noted to be wet, with rotten timbers and roof beams suggesting that water is present throughout the structure. This limits the suitability for bat species that require dry conditions for roosting.

The proposal will not impact protected species and complies with part f) of NPF4 Policy 4 (Natural Places).

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.

The application site is a 5-minute walk from local shops and bus services on Portobello High Street and would comply with NPF 4 Policy 13. The application includes a garage with space for one car. This complies with Car Parking Standards set out in Edinburgh Design Guidance. Bikes could also be reasonably stored within the garage. The proposal complies with Cycle Parking Standards.

The proposal complies with NPF4 Policy 13 and LDP Policies Tra 2 and Tra 3.

Infrastructure

The application site is situated within the Portobello Education Contribution Zone. However, the formation of one house will not generate an expected pupil rate of over one as set out in the Council's Supplementary Guidance for Developer Contributions and Infrastructure Delivery. No education contribution would be required in this case.

The proposal does not conflict with LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) or NPF4 Policy 18 (Infrastructure First).

Conclusion in relation to the Development Plan

The proposal complies with the policies set out in National Planning Framework 4 (NPF 4) and the Edinburgh Local Development Plan (LDP).

The proposal complies with all relevant policies set out in the Development Plan. The proposal makes effective use of a brownfield site. The proposal has been amended to retain features worthy of retention. The proposed scheme represents a high quality, modern reinterpretation of the existing buildings which will signify the new residential use of the site. The proposal will ensure the long-term future of a long vacant and damaged building. The proposals comply with all relevant design proposals and will make a positive contribution to the area. The proposal will not impact neighbouring amenity and future occupiers will have an acceptable level of amenity. Provision is made for one car parking space and the proposed garage could also be used for cycle parking. The proposed scheme will not increase risk of surface water flooding.

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

The original scheme was advertised on 30 October 2020 and received 12 objection comments and three support comments.

The revised scheme was advertised on 31 March 2023 and received two objections and one comment in support of the proposals.

All comments relating to both the original and revised scheme are summarised and addressed below:

Objection

- Road safety; this is addressed in part b).
- Height of proposed tower as noted in main report the scheme has been amended to reduce the height of the tower.
- Concerns regarding commercial use on ground floor; this element has been removed from the scheme.
- Potential impact on trees; this is addressed in part b).
- Bat survey should be undertaken, and down takings should not impact nesting birds; this is addressed in section b).
- Impact on Conservation Area; this is addressed in section a) and in section a) and in the parallel application for Conservation Area Consent (application reference: 21/04594/CON).
- Potential overlooking; this is addressed in section b).
- Loss of original elements of the building including stone piers; this is addressed in section a).
- Materials; this is addressed in section a).
- Objects to complete demolition; the scheme has been amended to retain elements of the former laundry.

Support

- Conversion of a derelict building is positive; this is addressed in section b).
- Reuse of slate and stone supported; this is addressed in section a) and in section a) and in the parallel application for Conservation Area Consent (application reference: 21/04594/CON).
- Scheme is sensitive to surrounding area; this is addressed in section b).
- Will enhance the area; this is addressed in section b).
- Improvement on existing derelict buildings which detract from area; this is addressed in section b).

Neutral

- Replacement stone should match; this is addressed in section a).

Non-Material

- Impact of construction on shared boundary, potential for vermin and from movement of vehicles; this is not a material planning consideration.
- Block drains in Pittville Street Lane; this is not material to the assessment of this planning application.
- Unclear fire exit from proposed dwelling; this is a matter for Building Standards.
- Access to neighbouring garden during construction; this is a civil matter and 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 proposals will preserve the character and appearance of the conservation area with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal complies with the policies set out in National Planning Framework 4 (NPF 4) and the Edinburgh Local Development Plan (LDP). The proposal makes effective use of a brownfield site. The proposal has been amended to retain features worthy of retention. The proposed scheme represents a high quality, modern reinterpretation of the existing buildings which will signify the new residential use of the site. The proposal will ensure the long-term future of a long vacant and damaged building. The proposals comply with all relevant design proposals and will make a positive contribution to the area. The proposal will not impact neighbouring amenity and future occupiers will have an acceptable level of amenity. Provision is made for one car parking space and the proposed garage could also be used for cycle parking. The proposed scheme will not increase risk of surface water flooding.

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. Prior to initiation of development the applicant should submit a Demolition and Construction Method Statement.

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 these matters in detail.
3. In order to ensure the protection of retained 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. Any demolition, tree felling, or vegetation removal should be out with the bird breeding season, April-September, or assessed by an ecologist for an breeding birds prior to work.
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 October 2020

Drawing Numbers/Scheme

01A-10A

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

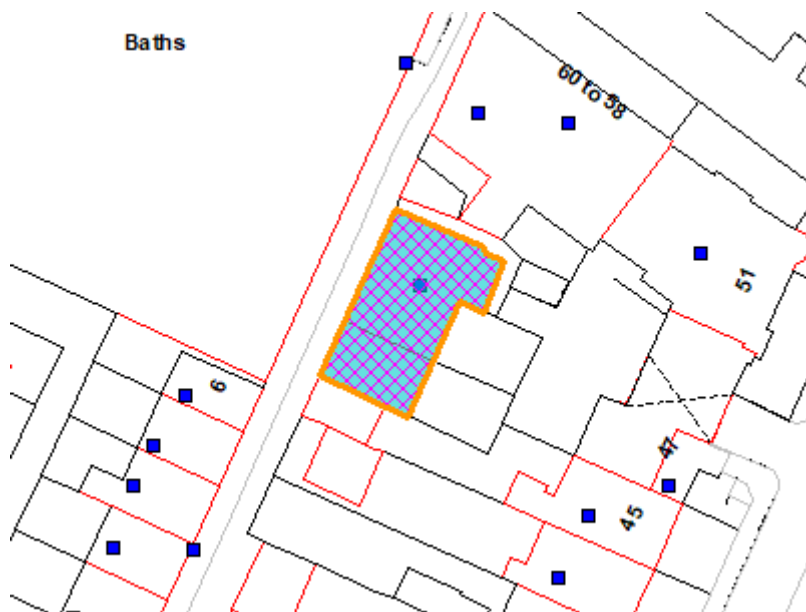
NAME: Flood Planning
COMMENT: No objection.
DATE: 9 September 2021

NAME: Archaeology
COMMENT: No objection, subject to a condition requiring a programme of archaeological works.
DATE: 4 November 2020

NAME: Transport Planning
COMMENT: No objection.
DATE: 26 November 2020

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 8 November 2023

**Application for Conservation Area Consent
Development At Pittville Street Lane, Edinburgh,**

**Proposal: Full demolition of water tower and partial demolition of
former laundry building (as amended).**

**Item – Committee Decision
Application Number – 21/04594/CON
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee due to the numbers of letter of representation received exceeded the scheme of delegation in place and the time of submission.

Recommendation

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

Summary

The demolition of the water tower is justified on structural grounds and the revised scheme ensures that publicly visible original elements of the laundry building are retained. The proposal is acceptable with regard to Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is situated on the east side of Pittville Street Lane. The proposal relates to a two-storey building, formerly a laundry associated with the public baths neighbouring the site to the west, and an associated water tower.

The former laundry was most likely a coach house associated with Marine Villa which was demolished in 1893. Following the construction of Portobello Baths in 1901, the building acted as a laundry and the associated water tower was constructed in 1926. In 1936 the first floor of the laundry building was significantly altered to facilitate the installation of a drier with a permanent louvred ventilation pop up built at the roof level directly over the drier position at that time.

North, south, and west walls of the laundry as well as the north wall of the outshoot comprise original stone walls. The east and south facing walls of the outshoot and east walls of the main building are not original. Non-original dash walls are visible on the upper level of the west elevation and concrete render has been applied to the non-original east and south facing walls of the outshoot, as well as the long east wall of the former laundry.

In terms of the surrounding area, to the north of the application site there is a narrow lane accessing the back of a tenement building and the common garden area to the east which belongs to the tenement properties. The garden is not shared by the former laundry. To the south is a neighbour's single storey garage. To the west, separated by the lane, is the east facing elevation of Portobello Baths.

The lane has undergone significant change. The east side of the lane in particular is characterised by a range of modern garages with some original stone walls remaining. The west side is more residential, with single storey dwellings on the north part of the lane and garden walls and garages to the south.

Description of the Proposal

The proposal is for the full demolition of a 10-metre high, concrete panelled water tower and the partial demolition of a neighbouring two storey former laundry. Sandstone walls on the north and west elevation are to be retained, whilst non-original concrete rendered walls on the east and south elevations are to be removed.

An associated application for planning permission has been submitted for the conversion of the former laundry building to a three-bedroom dwelling. Externally, original stonework to the west and north elevations of the former laundry building is to be repaired and retained. The application includes the formation of a new structure to replace the existing water tower which will house a garage at ground floor level and an upper-level garden deck. The new tower structure is to be finished externally with a concrete effect rain screen. The east elevation of the former laundry is to be replaced with a new rendered wall.

Revised Scheme

The revised scheme removes the proposed commercial use of the ground floor. The revised scheme reduces the height of the replacement tower structure, retains elements of the masonry walls of the neighbouring two-storey building and makes general design changes internally and externally.

Supporting Information

- Design Statement
- Building Condition Report

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

Relevant Site History

20/04260/FUL

Development At Pittville Street Lane

Edinburgh

Demolition of water tower and alterations to former laundry building. To be replaced with residential dwelling, with garage and garden deck (as amended).

Other Relevant Site History

No other relevant planning history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 31 March 2023 17 September 2021

Site Notices Date(s): 28 March 2023 14 September 2021

Number of Contributors: 11

Section B - Assessment

Determining Issues

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

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

Assessment

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

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

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

a) Demolition of building(s) is acceptable?

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

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

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

The original scheme proposed the full demolition of both the concrete water tower and the former laundry building. A Structural Condition Report was submitted in relation to both buildings. The report identified significant structural failings in relation to the water tower. This report has been assessed by officers from Historic Environment Scotland (HES) and they have advised that they agree with the report findings in this regard. The full demolition of the water tower is justified on the basis that its structural condition rules out its retention.

The demolition of the water tower includes the removal of stone piers on the west elevation. The piers appear to be associated with Marine Villa which previously occupied the site to the north. The piers in themselves are in poor condition and are not typical of a lane of this type. Although they may have been associated with Marine Villa which previously occupied the site, it is not clear they are in their original position. The applicant has indicated they intend to carefully remove the piers to consider whether they can be utilised in the development at a later date. HES did not identify the piers specifically for retention and the overall contribution they make to the conservation area is limited. CEC Archaeology has been consulted on the scheme and has recommended a scheme of archaeological works is undertaken prior to initiation of development.

This will include a photographic record of the existing water tower and stone piers in situ. The removal of the piers is acceptable in this case.

In relation to the former laundry building, the Structural Condition Report noted a range of serious defects, but despite the poor condition of certain elements of the building it is deemed in generally good structural condition. HES has advised that in scale, form, and design it makes a positive contribution to the service, or mews character of Pittville Street Lane. Consequently, HES advised that it did not support the full demolition of the building and that any proposed development should explore the potential to retain the building's historic masonry external walls. HES did not object to the removal of non-original elements of the building, including the flat roofed southern addition.

Following discussions with HES, the scheme has been amended to retain original masonry walls on the west and north elevations. The north wall of the laundry has been reasonably protected. However, there is significant weathering of the wall, especially at the higher parts, and around an existing dormer window. Although it is proposed this wall is retained, some repairs will be required, including indenting, and replacing of rubble stone and the replacing of feature stones such as quoin stones, rybats sills and lintols where necessary. In addition, it is expected that partial picking and re-pointing of the joints will need to be undertaken.

The rubble and dressed stonework to the north elevation is mostly in good condition. However, some quoin stones and feature stones around the existing window and door require replacing. To ensure the continuing stability of the outshoot, it is proposed that the north elevation be carefully taken down and the wall re-formed as a cavity wall with a stone outer leaf. The feature stones around the apertures and at the quoin stones are to be retained in their original positions, with new stones to match existing included as required.

The Design Statement and drawings provided by the applicant indicate that where possible salvaged stone is to be used for repair work. However, where the use of new stone is necessary it is proposed that an equivalent matching stone will be used. A condition requiring full details of all materials to be used is included with application 20/04260/FUL.

The non-original east and south facing walls of the outshoot, as well as the long east wall of the laundry have been confirmed as likely to be structurally unsound by a structural engineer. A concrete render has been applied to all these walls. This was most likely a historical intervention introduced due to the stone being in a poor and weathered condition. Currently, the render is bossed and there is visual evidence of water penetrating to the rear of the render. Parts of the walls that have been exposed due to the spalling render show the stone to the rear is in poor condition. Additionally, the shrubs and climbing plants that have been growing up and into the external walls are expected to have caused further damage. Given the poor condition of the walls, the fact that they are non-original and not visible to the public, their removal is supported.

There are six connected roof elements over the former laundry building. It is proposed that the line, profile and, shape of the roofs over the laundry are retained, except for a non-original flat roof element which was introduced in the 1930s to facilitate the introduction of a dryer to the building. HES has identified that this element of the building can be removed without impacting its character.

Although the demolition of the water tower has been justified on structural grounds and the applicant has taken steps to retain elements of the former laundry building, the buildings are of historic interest. CEC Archaeology was consulted on the scheme and has recommended that a full programme of archaeological works, including a photographic survey of the site, is undertaken prior to initiation of development.

In summary, the demolition of the water tower is justified on structural grounds and the revised scheme ensures that publicly visible original elements of the laundry building are retained. The proposal is acceptable with regard to Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

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

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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 Portobello Conservation Area Character Appraisal emphasises the village/small town character of the area, the importance of the long sea-front promenade, the high-quality architecture, and the predominant use of traditional building materials.

As detailed in the assessment for the parallel planning application (reference 20/04260/FUL), the proposed demolition will enable the development of the site in a coherent and positive way. Elements of the former laundry building that contribute to the character of the conservation area are to be retained.

In light of this, the demolition of this building will have a neutral impact on the character of the conservation area.

Conclusion in relation to the conservation area

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

b) There are any other matters to consider.

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

The original scheme was advertised on 17 September 2021 and received nine objection comments and one comment taking a neutral stance.

The revised scheme was advertised on 31 March 2023 and received one comment in support of the proposals.

All comments relating to both the original and revised scheme are summarised and addressed below:

Material

- Objects to demolition and loss of original elements of the building including stone piers; this is addressed in section a).
- Plans are inaccurate; plans have subsequently been revised.

Support

- Reuse of derelict building; this is addressed in section a).
- Retention and repair of stone; this is addressed in section a).

Neutral

- Replacement stone should match existing; this is addressed in section a).
- Plans show trees to be removed; drawings have subsequently been revised. Permission was granted for the removal of these trees in September 2023 through application 3/03961/TCO.

Non-Material

- Comments relating to overall design of replacement building; these are addressed in detail in the parallel planning application (reference: 20/04260/FUL).
- Impact associated with demolition and subsequent construction; this is not a material planning consideration.
- Impact on amenity; not relevant to the assessment of Conservation Area Consent but addressed in the parallel planning application (reference: 20/04260/FUL).
- Concerns relating to proposed commercial use on ground floor; not relevant to the assessment of Conservation Area Consent but addressed in the parallel planning application (reference: 20/04260/FUL).
- Concerns relating to neighbour notification; the application was publicised in line with legislative requirements.
- Neighbour wishes to retain the right to build a shed in the neighbouring communal garden; this is not a material planning consideration.
- Access to neighbouring garden; this is not a material planning consideration.

Conclusion in relation to other matters considered.

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

Overall Conclusion

The demolition of the water tower is justified on structural grounds and the revised scheme ensures that publicly visible original elements of the laundry building are retained. The proposal is acceptable with regard to Section 66 Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the interim HES guidance.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation of Development for planning permission application reference 20/04260/FUL.
2. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.

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: 10 September 2021

Drawing Numbers/Scheme

01A-10A

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: Historic Environment Scotland

COMMENT: Design solutions should be explored that would allow for the retention of the building's historic masonry external walls. The removal of the flat-roofed southern addition to the laundry building along with the water tower, which has significant structural failing, would provide considerable scope for a contemporary intervention/addition to the 2-storey, gabled building.

DATE: 11 January 2022

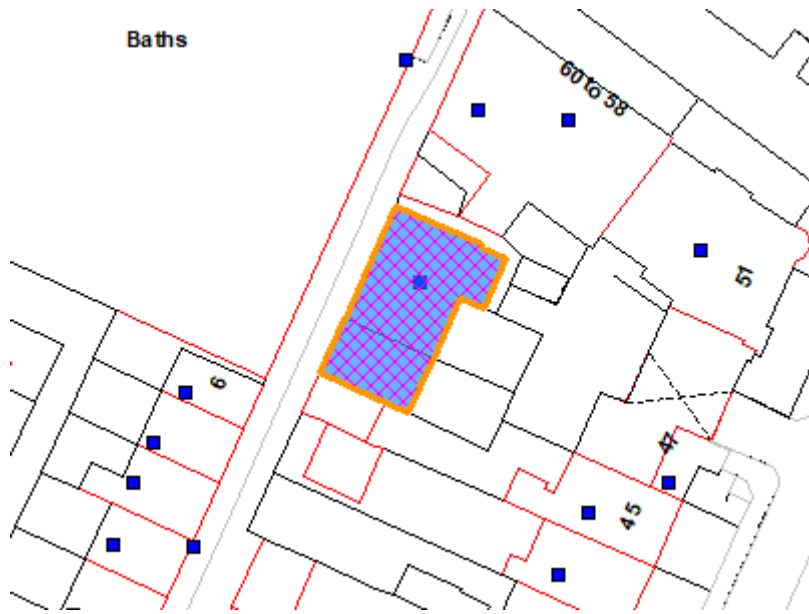
NAME: Archaeology

COMMENT: No objection, subject to a condition requiring a programme of archaeological works.

DATE: 15 September 2021

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 8 November 2023

**Application for Planning Permission STL
81 Rose Street, Edinburgh, EH2 3DT**

Proposal: Change of use from coffee shop (retail) to studio (short-term letting).

**Item – Committee Decision
Application Number – 23/00868/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal complies with sections 64 and 59 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The proposal is acceptable with regard to impact on residential amenity and the character of the area. It complies with NPF 4 policy 30 and LDP policy Hou 7. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application property comprises a ground floor cafe unit (40 sqm) located at 81 Rose Street on the corner of Rose Street Lane North and to the west of Fredrick Street. The property has private main door access fronting Rose Street. A retail unit is located directly to the east of the property and a short-term letting (STL) unit above.

The site is located on a busy city centre thoroughfare with high levels of pedestrian activity in the immediate vicinity of the property. A wide mix of commercial uses are located nearby including shops, cafés, restaurants, bars, and a late-night takeaway.

The property forms part of a Category B listed building - 77-81 (odd numbers) Rose Street and 52 Rose Street North Lane, LB29637, 28/03/1996. The site is located within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application seeks planning permission for a change of use from a café (class 3) to short term let (sui generis). The proposal includes minor internal alterations, no external works are proposed. The proposed STL unit would accommodate a maximum of two guests.

Scheme 1:

The originally submitted scheme included new positioning of the entrance door. This was altered as part of Scheme 2 with the existing entrance arrangement retained.

Supporting Information

National Planning Framework 4 Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 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: 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 in the Historic Environment: Guidance on the principles of listed buildings
- Managing Change in the Historic Environment: Setting

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

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

The proposal will not have an adverse impact on or cause harm to the listed building. The proposal comprises of internal alterations only. These are minor in nature; it is considered that planning permission is not required for these alterations.

The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposal.

Conclusion in relation to the listed building

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

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

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

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

The change of use from a cafe 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.

c) The proposals comply with the development plan.

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

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

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

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

Listed Building, Conservation Area, and World Heritage Site

The proposed works will not have a detrimental impact on historic assets and places. The proposal complies with NPF 4 Policy 7.

Proposed Use

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

NPF 4 Policy 30 seeks to encourage, promote, and facilitate sustainable tourism development which benefits local people, is consistent with net zero and nature commitments, and inspire 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 located on the ground floor and accessed via a private main door entry. The surrounding area has a mix of commercial uses with a high degree of pedestrian activity in the immediate vicinity of the property.

The applicant's supporting planning statement asserts that there will be minimal impact on residential amenity given the mixed-use character of the surrounding area, the private access and the small size of the property (1 bedroom).

The property is located on Rose Street, a busy city centre thoroughfare. There is considerable pedestrian footfall passing along the street directly outside the property. The proposed STL accommodation is located in close proximity to a wide variety of existing retail, leisure and night-time uses which contribute to a high degree of activity and ambient noise level in the immediate vicinity of the property during the day and at night.

Although there are residential units located on Rose Street, given that the application property has private main door access and the surrounding area is of a busy and commercial nature, it is not considered that the proposed STL use would have a significant detrimental impact on neighbouring amenity or the character of the wider area. The STL use is therefore considered acceptable with regards to neighbouring amenity and the character of the area. The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation:

As the existing use of the property is a cafe (class 3) there is no loss of residential accommodation resulting from this application.

Parking Standards

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

Two letters of representation (one objection and one neutral comment) were received. A summary of the representations is provided below:

material considerations

- Negative impacts on residential amenity relating to noise and disturbance. Addressed in part c).

non-material considerations

- There are too many short terms lets in the local area. Every proposal is assessed on its own merit.

Conclusion in relation to identified material considerations.

Identified material considerations have been assessed above and do not raise issues which outweigh the conclusion in relation to the development plan.

Overall conclusion

The proposal complies with sections 64 and 59 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 and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The proposal is acceptable with regard to impact on residential amenity and the character of the area. It complies with NPF 4 policy 30(e) and LDP policy Hou 7. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

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: 27 March 2023

Drawing Numbers/Scheme

01, 02A

Scheme 2

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

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

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee

10.00am, Wednesday 8 September, 2023

Protocol Note for Hearing

14 Ashley Place, Edinburgh – Proposed purpose-built student accommodation with associated infrastructure and landscaping – application no. 22/06251/FUL

Report number	6.1
Wards	B12 – Leith Walk

Nick Smith

Service Director – Legal and Assurance

Contacts: Taylor Ward, Committee Services

Email: taylor.ward@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view online.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a 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 Leith Central Community Council	10.40 - 10.45
3	Ward Councillors Councillor Jack Caldwell	10.50 – 10.55
4	Break	11.00 – 11:15
5	Applicant and Applicant’s Agent Hugh Shepherd (Scott Hobbs Planning) Daryl Teague (Glencairn Properties) Kerri Nicol (ISArchitect)	11.20 – 11.35
6	Debate and Decision on Application by Sub-Committee	11.40

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 8 November 2023

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

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

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

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

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

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

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

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

SECTION A – Application Background

Site Description

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

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

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

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

Description of the Proposal

Scheme 2

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

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

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

Accommodation

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

Materials

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

Landscaping

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

Cycle Parking

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

Sustainability

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

Waste

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

Scheme 1

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

Supporting Information

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

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

These documents are available on the Planning Portal.

Relevant Site History

22/04004/PAN
14 Ashley Place
Bonnington
Edinburgh
EH6 5PX

Purpose-built student accommodation with associated infrastructure and landscaping.
Pre-application Consultation approved.
26 August 2022

19/05092/FUL
14 Ashley Place
Edinburgh
EH6 5PX

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

Granted
15 October 2021

19/03433/PAN
14 Ashley Place
Edinburgh
EH6 5PX

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

Pre-application Consultation approved.

6 August 2019

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

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

Granted
25 May 2017

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

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

Granted
19 January 2000

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

Proposed mixed development.

Granted
21 February 2006

Other Relevant Site History

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

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport Officer

Environmental Protection

Leith Central Community Council

Scottish Water

SEPA

Contaminated Land Officer

Environmental Protection

Nature Scotland

Waste Services

Scottish Water

Archaeology

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 15 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 89

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) Do the proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. There are several policies in the Edinburgh Local Development Plan (2016) (LDP) that are equivalent to policies in NPF4.

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

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

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

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

Principle

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

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

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

Location of student accommodation

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

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

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

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

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

Concentration of student accommodation

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

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

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

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

Student Housing Guidance

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

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

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

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

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

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

Previous Employment Use

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. In this instance, the site already has extant

permission as office and a live permission as residential use. The character of the surrounding area is increasingly residential within the mixed-use area. The proposal will not inhibit surrounding commercial uses and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas in line with LDP Policy Emp 9. Therefore, a change of use to student housing is considered acceptable in principle.

Bonnington Development Brief

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

Principle Conclusion

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

Placemaking and Design Considerations

Context

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

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

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

Height, Scale and Massing

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

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

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

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

Layout

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

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

Density

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

Landscaping and Public Realm

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

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

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

Materials and Detailing

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

Climate Change, Biodiversity and Sustainability

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. NPF4 Policy 2 NPF 4 Policy 2 a) (climate mitigation and adaption) and NPF 4 Policy 9 (Brownfield land) are also relevant.

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

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

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

Biodiversity

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

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

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

Sustainability

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

Waste

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

Contaminated Land

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

Archaeology

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

Transport

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

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

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

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

Cycle Parking

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

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

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

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

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

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

Amenity

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

Noise

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

Daylight to Existing Buildings

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

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

Daylight to New Buildings

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

Sunlight To New Gardens and Spaces

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

Overall Amenity

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

Health services

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

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging Policy Context

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

Equalities and Human Rights

Due regard has been given to section 149 of the Equalities Act 2010 in relation to the assessment of the proposed development and in the context of representations received from the public. The development plan recognises the need for a variety of housing types to be provided across the city including purpose-built student accommodation. The assessment set out in section (a) above demonstrates that this site provides an acceptable location in principle for student housing as it was previously for residential development and for office development of commensurate size and footprint. The provision of student housing is therefore considered to be a compatible housing type and does not result in any negative impacts in relation to equalities. The proposal has been considered in relation to accessibility. The development provides 13 accessible rooms and there are internal lifts to access all floors. The development has been designed to be car free and it accessible by active travel and public transport. There is also on-street car parking within the vicinity.

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

Public Representations

A number of representations were received including:

Material objections

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

Material support:

- Overall good appearance and design quality

Non-material representations:

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

Conclusion in relation to material considerations

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

Overall Conclusion

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

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

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

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

- ii). Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to, and approved in writing by the Planning Authority before work is commenced on site. This plan shall include the provision of Sheffield Stands are the main entrance to the building.

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

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

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the health of the building's occupants.
3. In order to safeguard the interests of archaeological heritage.

4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to protect the amenity of the existing neighbours and future occupiers of the development.
8. In order to safeguard the amenity of occupiers of the development.
9. In order to safeguard the amenity of occupiers of the development.

Informatives

It should be noted that:

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

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

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

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

4. Waste arrangements for the development will be undertaken by a private contractor. The proposed arrangements do not comply with CEC waste services and therefore could not be considered for CEC collection in the future.
5. The applicant shall provide swift bricks in the development. Details of their proposed location should be submitted to the authority for approval.
6. No noisy work from the construction phase should be generated out with 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 13 December 2022

Drawing Numbers/Scheme

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

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Transport Officer

COMMENT: No objections subject to conditions and informatives.

DATE: 17 February 2023

NAME: Environmental Protection

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

DATE: 9 January 2023

NAME: Leith Central Community Council

COMMENT: Object as the proposal is contrary to:

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

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

DATE: 18 January 2023

NAME: Scottish Water

COMMENT: No Objection

DATE: 5 January 2023

NAME: SEPA

COMMENT: No Comment

DATE: 13 January 2023

NAME: Contaminated Land Officer

COMMENT:

DATE: 7 July 2023

NAME: Environmental Protection

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

DATE: 7 July 2023

NAME: Nature Scotland

COMMENT: No comment

DATE: 16 June 2023

NAME: Waste Services

COMMENT: Waste strategy is not agreed.

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

Further input would be required.

DATE: 20 June 2023

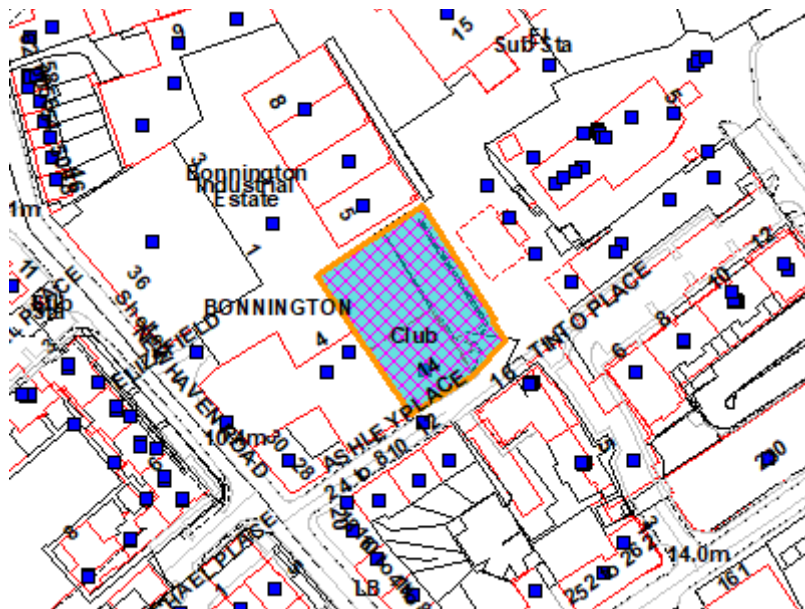
NAME: Scottish Water
COMMENT: No Objection.
DATE: 20 June 2023

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

NAME: Flood Prevention
COMMENT: No objection.
DATE: 29 August 2023

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

Location Plan



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