

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 22nd 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 20 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 Minutes of Previous Meeting of Development Management Sub-Committee 25 October 2023 – submitted for approval as a correct record 11 - 20

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

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

Pre-Applications

- 4.1** Report for forthcoming application by West Craigs Ltd. & Dunedin Canmore Housing Association for Proposal of Application Notice at land 369 metres northeast of 210 Craigs Road, North Gyle. Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure - application no. 23/04779/PAN - Report by the Chief Planning Officer 21 - 30
- It is recommended that the Committee notes the key issues at this stage and advises of any other issues.
- 4.2** Report for forthcoming application by Northland Properties for Proposal of Application Notice at 13 East Mains of Ingliston, Ingliston Road, Ingliston - Hotel development of approximately 240 rooms across range of sizes/products. Proposal includes landscaping, associated car parking, servicing, access and ancillary development - application no. 23/04770/PAN - Report by the Chief Planning Officer 31 - 38
- It is recommended that the Committee notes the key issues at this stage and advises of any other issues.
- 4.3** Report for forthcoming application by FM Developments Ltd. for Proposal of Application Notice at Plot A1 Western Harbour View, Edinburgh, EH6 6PG. Residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan - application no. 23/06110/PAN - Report by the Chief Planning Officer 39 - 46
- It is recommended that the Committee notes the key issues at

this stage and advises of any other issues.

Applications

- 4.4** Confirmation of Tree Preservation Order No. 204 (Castle Gogar) - Report by the Chief Planning Officer 47 - 64
It is recommended that Committee confirms Tree Preservation Order No. 204 (Castle Gogar).
- 4.5** Confirmation of Tree Preservation Order No. 205 (Brunstane) - Report by the Chief Planning Officer 65 - 78
It is recommended that Committee confirms Tree Preservation Order No. 205 (Brunstane) and revokes associated Tree Preservation Order No. 193 (Brunstane).
- 4.6** 162 Ferry Road, Edinburgh, EH6 4NX - Proposal to change to planning condition to extend the opening hours of this restaurant from 20.00 to 21.00 to match existing tables and chairs licence - application no. 23/02174/FUL - Report by the Chief Planning Officer 79 - 88
It is recommended that this application be **GRANTED**.
- 4.7** 169 Gilmore Place, Edinburgh, EH3 9PW - Retrospective change of use from restaurant (Class 3) and takeaway to short term let (Sui Generis) - application no. 23/04466/FULSTL - Report by the Chief Planning Officer 89 - 98
It is recommended that this application be **REFUSED**.
- 4.8** 171 Gilmore Place, Edinburgh, EH3 9PW - Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04469/FULSTL - Report by the Chief Planning Officer 99 - 108
It is recommended that this application be **REFUSED**.
- 4.9** 173 Gilmore Place, Edinburgh, EH3 9PW - Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04471/FULSTL - Report by the Chief Planning Officer 109 - 118
It is recommended that this application be **REFUSED**.
- 4.10** 1F22 Lower Gilmore Place, Edinburgh, EH3 9NY - Change of use 119 - 126

to short-term letting (in retrospect) - application no.
23/03781/FULSTL - Report by the Chief Planning Officer

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

- 4.11** 32A Royal Circus, Edinburgh, EH3 6SS - Retrospective change from residential to short-term let apartment (Sui Generis) - application no. 23/00880/FULSTL - Report by the Chief Planning Officer 127 - 138

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

- 4.12** 34 St Stephen Street, Edinburgh, EH3 5AL - Change of use from twin shop unit to two short term let properties - application no. 23/00823/FULSTL - Report by the Chief Planning Officer 139 - 148

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

- 4.13** 27A Stafford Street, Edinburgh, EH3 7BJ - Change of use from office (Class 4) to short-term let (Sui Generis) (in retrospect) - application no. 23/04324/FULSTL - Report by the Chief Planning Officer 149 - 158

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

- 4.14** 29A Stafford Street, Edinburgh, EH3 7BJ - Retrospective change of use from office (Class 4) to short-term let (Sui Generis) - application no. 23/04327/FULSTL - Report by the Chief Planning Officer 159 - 170

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

5. Returning Applications

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

- 5.1** None.

6. Applications for Hearing

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

- 6.1** 94 Ocean Drive, Edinburgh (Land 143 Metres Southeast of) - 171 - 174
Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) – application no. 23/01615/FUL - Protocol Note by the Service Director - Legal and Assurance
- 6.2** 94 Ocean Drive, Edinburgh (Land 143 Metres Southeast of) - 175 - 212
Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) - application no. 23/01615/FUL
It is recommended that this application be **GRANTED**.
- 6.3** Old Liston Road, Newbridge (Land South West of) - Planning 213 - 216
Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping; Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping – application nos. 23/01423/PPP and 23/01421/FUL - Protocol Note by the Service Director - Legal and Assurance – Report by
- 6.4** Old Liston Road, Newbridge (Land South West of) - Planning 217 - 248
Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping - application no. 23/01423/PPP - Report by the Chief Planning Officer

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

- 6.5** Old Liston Road, Newbridge (Land South West of) - Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping - application no. 23/01421/FUL - Report by the Chief Planning Officer 249 - 278

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

Service Director – Legal and Assurance

Committee Members

Councillor Hal Osler (Convener), Councillor Alan Beal, Councillor Chas Booth, Councillor Lezley Marion Cameron, Councillor James Dagleish, 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, High Street, Edinburgh and by Teams and will be webcast live for viewing by members of the public.

Further information

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

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

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

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services

(committee.services@edinburgh.gov.uk).

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 25 October 2023

Present:

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

1. Minutes

Decision

- 1) To approve the minute of the Development Management Sub-Committee of 20 September 2023 as a correct record.
- 2) To approve the minute of the Development Management Sub-Committee of 4 October 2023 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a presentation:

None.

Decision

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

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

3. Madelvic House, Granton Park Avenue, Edinburgh (Land 93 Metres West of) and Granton Art Centre, 242 West Granton Road, Edinburgh (Land East of)

The Chief Planning Officer had identified two linked applications to be dealt with by means of a hearing: 1) planning permission for the development of a sector-leading national center for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. The proposed visitor and community-led spaces would maximize public access and facilitate a program of education and outreach programmes which make full use of benefits including active public realm spaces (such as pop-up cafe use) and bio-diverse landscaping, new improved access, parking, and all other associated works at Granton Park Avenue, Edinburgh, Land 93 metres west of Madelvic House - application 23/01068/FUL; 2) planning permission for

a proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works – application no. 23/01359/FUL.

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

(a) (i) Report by the Chief Planning Officer - application no. – 23/01068/FUL

The proposed site would be located to the south of Waterfront Avenue and north of West Granton Road. A new building was proposed to the north of the site fronting Waterfront Avenue with a total floorspace of approximately 11,956 sqm, with two floors and comprises four linear blocks of varying lengths aligned in a north-south direction and connected by an internal street running east-west. Each of the four linear blocks would have mono pitched roofs.

The proposed use of the building was for a collection, storage, conservation, and research facility for the National Galleries of Scotland. This would include space for public and community uses, including collection viewing rooms and study spaces, a community studio, community support space and further education/ learning rooms. Ancillary uses such as catering facilities, and external pop-up cafe kiosks were also proposed. The main storage areas were presented up to the first floor and the southern part of the building on the ground floor. Solar PV panels were proposed to the roof with an area of approximately 650sqms.

The building would be designed to PassivHaus standards. The building would be set within a landscaped environment with an area of hard surface in the form of a plaza to the west of the proposed building. The landscaped areas included a new north/south green route directly linking West Granton Road with Waterfront Avenue, and a new east/west route to the south of the proposed building. Trees would be removed from the site, with the retention of some groups along the western boundary. The proposed new landscaped areas included new tree planting, attenuation areas next to the part west and part south elevations of the building, wildflower meadows, grassed areas, terraces/landscaped forms, and spaces for public art.

An area of allotments and community planting was proposed to the south of the building. The proposed open spaces had been arranged to allow a wide range of uses. These included the opportunity to erect market stalls on the entrance plaza, temporary pavilions, and marquees, and to utilise the gable ends of the building for film screenings and projections. The space would also be used to display artworks. The open areas would be lit by luminaires which are 5m and 8m high. Totem poles and wayfinding signs were included in the layout.

Vehicular access to the site was proposed from the east along Granton Park Avenue, to the rear of the proposed building. Vehicular service access was also provided to the United Wire Building. The car park presented will be located to the south of the building and will have 27 car parking spaces including five EV charging points, and three accessible spaces. This would be controlled by an access barrier. It would be enclosed by a 4m high security fence and gates. Sixty-four cycle parking spaces were proposed (comprising 34 short-term and 30 long-term spaces) and provision was made for future bike hire. The existing vehicular access off Waterfront Avenue would be surfaced as footpath and grass. Part of the existing planting along Waterfront Avenue would be removed and replaced with grasscrete to make provision for emergency vehicle use. The majority of the pedestrian and cycle routes, and main vehicle circulation routes were proposed as standard asphalt surfaces, as were the main vehicular circulation routes. Car parking spaces would be paved with permeable pavers, incorporating grass strips.

Concrete was proposed to the surface yard. An attenuation tank was proposed underneath the proposed car park with a capacity of 750 cubic meters.

(i) Report by the Chief Planning Officer - application no. 23/01359/FUL

The site was to the north of West Granton Road and has an area of approximately 0.15 Hectares. The site is heavily planted with some trees. To the south of the site the land rose up towards West Granton Road. There was an existing ramped pedestrian access between West Granton Road and The Lidl store.

To the north was vacant land which was the subject of planning application 23/01068/FUL for a new Artworks collection facility, landscaping and associated works. To the east was an existing supermarket (Lidl) with another retail store beyond.

The existing storage buildings for National Museums Scotland, and National Galleries of Scotland was located in the adjacent site to the west.

As part of the proposal, land would be regraded; new soil would be imported to a depth of 150mm above a separation layer. A number of trees would be removed including those within Group T1 and eight individual trees. Some trees along the western boundary of the site would be retained. Areas of open space will be sown with wildflower grass/ meadow. A new pathway network would be provided comprising a section of the north/south active travel route through the site. This section linked West Granton Road with the southern boundary of planning application 23/01068/FUL. A new way finder sign would be incorporated together with a totem sign and new lighting.

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

[Development Management Sub-Committee - Wednesday 25 October 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](https://www.edinburgh.gov.uk/webcasts/public-i.tv)

(b) Applicant and Applicant's Agent

Michael Nelson – planning consultant representing Avison Young, Jacqueline Ridge - National Galleries of Scotland, Daniel Reiser – landscape architect from Gross Max, Sarah Kirby and Peter Lee – architects from John McAslan + Partners, and Ian Stewart – engineering from Buro Happold were heard in support of the application.

Michael Nelson introduced the applicant and the project team and addressed the Development Management Sub-Committee on behalf of Avison Young. Mr Nelson indicated they were looking for application approval to integrate Gallery of Scotland building and Granton Waterfront in the way proposed. He was aware of many objections from the local community; however the proposal has been developed in line with the National Development Plan and met NPF4 and 2016 LPVD requirements. Public consultations showed that there was a clear acceptance of this proposal. Jacqueline Ridge – project sponsor, represented the National Galleries of Scotland. Ms Ridge spoke about the Artworks as a transformational project for the National Galleries of Scotland. She referred to Heritage Act (Scotland) 1985 to:

- care for, preserve, and add to the objects in our collections
- ensure that the objects are exhibited to the public
- ensure that the objects are available to persons seeking to inspect them in connection with study or research
- promote the public's enjoyment and understanding of the Fine Arts
- provide education, instruction, and advice and to carry out research
- preserve, and increase the utility of, the collections

The project was designed to solve the main space storage collection issue and quality of the space to accommodate over 120 thousand objects in one location, this would also include arts from artists room collection. The consideration of location and its links was the major key to

building future collaborations. Ms Ridge said that placemaking was always about society and this project could create jobs, economic regeneration of a deprived area and community inclusion to reduce inequalities. This would be an opportunity for the community. This project was supported by 6 years of community engagement, and collaborative work with different charities like Fresh Start. Peter Lee, architect from John McAslan + Partners, said that the proposal was a part of the wider Granton Waterfront development and in line with the 20 minutes neighborhood principle. He mentioned the possibility of tram extension and described the surrounding area. The building itself would provide flexible and adaptable spaces for the community to engage, research and learn. The primary function of the building would be collection storage and for the first-time collection would be available to the public. The main function of the building would be also conservation studios. The building would be mainly one storey to be accessible to all users. The site was presently vacant. The entrance to the building would have an illuminating facade and graphics. Daniel Reiser – landscape architect from Gross Max spoke about the Landscape strategy to increase biodiversity which would be reflected in different parts of the building. This would be supported by accessible routes and possible tram extension.

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

[Development Management Sub-Committee - Wednesday 25 October 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Decision

- 1) To **GRANT** planning permission (23/01068/FUL) subject to the reasons, informatives set out in the report, with the amendment of condition 2, which should read: 'Any required remedial and/or protective measures as set out in the Generic Quantitative Risk Assessment and Remedial Strategy (Buro Happold, 14 February 2023, 0036366, Rev 04) 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' as set out in section C of the report by the Chief Planning Officer.
- 2) To **GRANT** planning permission (23/01359/FUL) subject to the reasons, informatives set out in the report, with the amendment of condition 5, which should read: 'Any required remedial and/or protective measures as set out in the Generic Quantitative Risk Assessment and Remedial Strategy (Buro Happold, 14 February 2023, 0036366, Rev 04) 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' as set out in section C of the report by the Chief Planning Officer.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Former RAF Turnhouse, Turnhouse Road, Edinburgh</p>	<p>Proposed alterations to industrial storage park as previously consented (Ref: 09/00302/FUL and 08/01484/FUL) to provide for improved access, layout, and reduced units numbers, with associated landscaping works. - application no. 23/04182/PAN.</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – Meadowfield Farm, Turnhouse, Edinburgh</p>	<p>Mixed use development, including commercial floorspace (class 1a Shops, financial, professional and other services; class 3 restaurants and cafes; sui generis including public houses; class 4 business; class 6 storage and class 7 hotels; class 10 non-residential institutions; and class 11 assembly and leisure); residential floorspace (including class 9 houses and sui generis flats); associated infrastructure; car parking; and landscaping - application no. 23/04202/PAN.</p>	<p>To note the key issues at this stage.</p>

<p>4.3 – Strathmore House, 4 Church Hill, Edinburgh</p>	<p>Change of use from former nursing home to 6 No. private apartments. Proposals include car parking provision, private and common garden amenity space, refuse and recycling facilities plus bicycle storage provision. Proposal includes a new build 3 storey element located to the rear of the building with no impact upon the existing listed symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place (as amended) - application no. 23/02038/FUL.</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – Strathmore House, 4 Church Hill, Edinburgh, application for Listed Building Consent.</p>	<p>Change of use from former nursing home to 6 private apartments. Proposals include car parking provision, private and communal amenity garden space, plus refuse, recycling, and bicycle storage facilities. Proposals include a new three storey new build extension located subserviently to the rear of the building with no impact upon the existing symmetrical front facade. All primary internal rooms are proportionally reinstated, and all existing ornate cornicing and fireplaces are retained in place (As amended) - application no. 23/02101/LBC.</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.5 - Dreghorn Loan, Edinburgh (Land 35 Metres Northwest of)</p>	<p>Erection of dwelling house - application no. – 22/00235/FUL.</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - Christmas Market, George Street, Edinburgh</p>	<p>Erection of ice rink including viewing /seating areas, market traders and Christmas stalls, vintage family attractions, offices, toilets, ancillary storage, and generators - application</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the</p>

	no. 23/04144/FUL.	Chief Planning Officer.
<u>4.7 - 14 Glennie Road, Newcraighall, Musselburgh (Land 70 Metres East of)</u>	Residential development comprising a mix of private and affordable homes numbering 220 units and associated infrastructure including landscaping, amenity, green space, parking, and drainage (as amended) - application no. 23/01743/FUL.	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
<u>4.8 - Craigentenny Primary School, 4 Loganlea Drive, Edinburgh</u>	Proposal of modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area - application no. 23/02735/FUL.	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
<u>4.9 - 4 Oversman Road (Land 160 Metres Northeast of)</u>	Proposed development of three detached business and industrial units, (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders' merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair with associated external storage, erection of 2.4m high fence, access, car parking and landscaping - application no. 23/02090/FUL.	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
<u>4.10 - East Princes Street Gardens, Princes Street, Edinburgh</u>	Installation of Edinburgh's Christmas 2023 at East Princes Street Gardens and The Mound precinct including Christmas market stalls, fairground rides, associated site infrastructure, stores, and ancillary facilities - application no. 23/04142/FUL	To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.
<u>4.11 - West Princes Street Gardens, Princes Street, Edinburgh</u>	Proposal of temporary change of use and siting of performance units, catering units and other associated moveable structures for Edinburgh's Christmas Festival - application no. 23/04143/FUL	To GRANT planning permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.

<p>4.12 - 101 Rose Street South Lane, Edinburgh, EH2 3JG</p>	<p>Internal alterations and proposed change of use from Class 4 offices to three one-bed short term let units - application no. 23/03613/FULSTL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.13 - St Andrew Square Gardens, St Andrew Square, Edinburgh</p>	<p>Proposed installation of a Spiegeltent for use as a performance space for Santa's Stories. A storytelling experience with Santa for children as part of Edinburgh's Christmas 2023 - application no. 23/04199/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.14 - 4 Sunbury Street, Edinburgh, EH4 3BU</p>	<p>Change of use of an existing residential property which has been used as a short term let since 2016 to a permanent short term let (in retrospect) - application no. 23/03911/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>6.1 - Madelvic House, Granton Park Avenue, Edinburgh (Land 93 Metres West of) and Granton Art Centre, 242 West Granton Road, Edinburgh (Land East of)</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - Madelvic House, Granton Park Avenue, Edinburgh (Land 93 Metres West of)</p>	<p>Proposal of the development of a sector-leading national centre for the care, conservation, research, storage, and distribution of Scotland's collection of artworks. Proposed visitor and community-led spaces will maximise public access and facilitate a programme of education and outreach programmes which make full use of benefits including active public realm spaces (incl. pop-up cafe use) and bio-diverse landscaping, new /improved access, parking, and all other associated works – application no. 23/01068/FUL</p>	<p>To GRANT planning permission subject to the reasons, informatives set out in the report, with the amendment of condition 2, which should read: 'Any required remedial and/or protective measures as set out in the Generic Quantitative Risk Assessment and Remedial Strategy (Buro Happold, 14 February 2023, 0036366, Rev 04) shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the</p>

		satisfaction of the Head of Planning’ as set out in section C of the report by the Chief Planning Officer.
<p>6.3 - Granton Art Centre, 242 West Granton Road, Edinburgh (Land East of)</p>	<p>Proposed section of active travel route, including clearance, earthworks, landscaping, external lighting, drainage, wayfinding /public art, and all other associated works – application no. 23/01359/FUL</p>	<p>To GRANT planning permission subject to the reasons, informatives set out in the report, with the amendment of condition 5, which should read: ‘Any required remedial and/or protective measures as set out in the Generic Quantitative Risk Assessment and Remedial Strategy (Buro Happold, 14 February 2023, 0036366, Rev 04) 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’ as set out in section C of the report by the Chief Planning Officer.</p>

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Development Management Sub Committee

Wednesday 22 November 2023

Report for forthcoming application by

West Craigs Ltd. & Dunedin Canmore Housing Association. for Proposal of Application Notice

23/04779/PAN

at land 369 metres northeast of 210 Craigs Road, North Gyle.

Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure.

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for 'Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure' at land 369 metres northeast of 210 Craigs Road, North Gyle, Edinburgh.

In accordance with the provisions of the Town and Country Planning Act (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice reference 23/04779/PAN on 22 September 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The proposal of application notice (PAN) site boundary ('the site') is located between Local Development Plan (LDP) housing sites HSG 19 (Maybury) and HSG 20 (Cammo) in the west of the City. The site is designated as Green Belt in the Edinburgh Local Development Plan.

The site was last in use as an agricultural field. Existing features within the site include areas of stone walling, trees and hedging associated with Cammo Walk which runs through part of the site's eastern area, and trees and vegetation at the site's boundaries. The site includes part of Maybury Road to the east including the roundabout to Maybury Drive, part of Craigs Road, and the Craigs Road and Maybury Road junction. A small part of the site boundary includes a stretch of landscaped land west of the telecommunications mast south of Craigs Road that is associated with development at HSG 19. The areas south and north of the application site are undergoing a high degree of change with on-going construction of housing and related infrastructure.

The site is bounded to the north by a Garden and Designed Landscape (GDL) associated with Cammo House, within which, the Category B Cammo Tower (reference LB 28039) and Mauseley Hill are features within a wider Special Landscape Area (SLA). A ditch leading east to the Bughtlin Burn, mature trees and stone walling separate the site from Cammo Estate. The Bughtlin Burn runs from east to west along the site's northern boundary, and the boundary between the adjacent field and HSG 20, before heading north along the western edge of the HSG 20 site.

The City of Edinburgh Council's amenity site at the former Braehead Quarry, which is now used for topsoil storage, is west of the site, between the site and Turnhouse Golf Course.

2.2 Site History

03 December 2018 - Proposal of application notice was approved for 'Mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis flatted development; and other associated works including landscaping, car parking, servicing, access and public realm' at Land 369 Metres Northeast Of 210 Craigs Road Edinburgh (reference: 18/10028/PAN).

22 December 2022 - Application for planning permission in principle for 'Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure' at Land 369 Metres Northeast of 210 Craigs Road Edinburgh was appealed on the grounds of non-determination (Reference 21/04210/PPP). The appeal was dismissed by Scottish Ministers (appeal reference: PPA-230-2370).

In addition to the above, the following applications which are mostly related to nearby housing development south of Craigs Road apply in part to the proposal of application notice site boundary:

20 April 2017 - Application for Planning Permission in Principle was refused for 'Residential development, up to a maximum of 1400 units, and ancillary commercial. (Class 1 retail and Class 2 financial and professional) including landscaping, access and services and all other ancillary development' at Site 100 Metres North East Of 19 Turnhouse Road Edinburgh (application reference: 16/04738/PPP).

26 September 2019 - Appeal against refusal of application 16/04738/PPP was allowed by Scottish Ministers for 'residential development, up to a maximum of 1,400 units, and ancillary commercial (class 1 retail and class 2 financial and professional), including landscaping, access and services and all other ancillary development' at 100 metres north-east of 19 Turnhouse Road, Edinburgh (appeal reference: PPA-230-2207).

03 October 2019 - Planning Permission in Principle granted on behalf of Taylor Wimpey UK for land 195 metres South of West Craigs Cottage, 85 Craigs Road for residential development with associated transport infrastructure, landscaping and open space (application reference 16/05681/PPP).

25 May 2020 - Application for Approval of Matters Specified in Conditions 1, 2, 3, 4 and 5 of planning permission 16/05681/PPP for erection of 250 residential dwellings was approved at Land 195 Metres South Of West Craigs Cottage 85 Craigs Road, Edinburgh (application reference 19/05051/AMC).

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

25 May 2020 - An application for Approval of Matters Specified in Conditions of planning permission in principle 16/04738/PPP, in respect of conditions 6(c), 6(d), 6(e), 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, 20 and 21 at a site 100 Metres North East Of 19 Turnhouse Road, Edinburgh was approved (application reference: 19/05514/AMC).

28 July 2020 - An application for the Approval of Matters Specified in Conditions of planning permission in principle PPA-230-2207 in respect of Condition 9 was approved at Site 100 Metres North East Of 19 Turnhouse Road Edinburgh (application reference: 20/00649/AMC).

23 March 2021 - An application for Approval of Matters Specified in Conditions of planning permission in principle PPA-230-2207, in respect of Condition 6(d) and 6(e) at land 195 Metres South Of West Craigs Cottage 85 Craigs Road, Edinburgh was approved (application reference: 20/01884/AMC).

31 March 2022 - An application for planning permission in principle for an active travel route along Cammo Walk corridor was approved at Land 369 Metres Northeast Of 210 Craigs Road, Edinburgh (application reference: 21/02306/PPP).

Main report

3.1 Description of the Proposal

An application for planning permission in principle will be submitted for residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure.

3.2 Key Issues

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

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

The site is located within the green belt. The site must be assessed against all relevant policies within the LDP including policy ENV 10 Development in the Greenbelt and Countryside which sets out the circumstances in which development in the green belt can be supported. National Planning Framework 4 (NPF4) policy 8 Green Belts must also be considered, along with other NPF 4 policies in relation to sustainability and the climate and nature crises.

LDP Policy Hou 1 Housing Development sets out the policy criteria for considering the suitability of sites for housing proposals in the City against which the proposal will be considered.

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

Prior to the adoption of City Plan 2030, additional material considerations include recent appeal decisions in West Edinburgh, inclusive of the appeal decision made on a previous application at this site, which have taken a view that development may be premature in the context of the emerging City Plan 2030 where it would potentially prejudice its examination. In this case the identified site is identified as within the green belt within the City Plan 2030 Proposals Map. Any application will be required to consider the effects of proposals on the plan-led strategy that underpins the development of West Edinburgh in the proposed City Plan 2030.

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

The proposals will be assessed against the relevant design policies in the Local Development Plan, NPF4 and the non-statutory Edinburgh Design Guidance (were applicable). The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. As part of the application for planning permission in principle the applicant will be expected to identify which design matters are to be reserved to the approval of matters specified in conditions. planning stage(s). NPF 4 places a high-degree of importance on local living and 20-minute neighbourhoods and the proposal will be required to demonstrate in principle how a successful place can be delivered at this location with reference to a suitable mix of use classes, supporting infrastructure, transport, landscape, drainage and other design matters that contribute to sustainable development.

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

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

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

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Flooding and Drainage Assessment, including Surface Water Management Plan;
- Transport Assessment;
- Air Quality Assessment;

- Noise Assessment;
- Land Contamination Assessment;
- Landscape and visual appraisal;
- Tree Survey;
- Phase 1 Habitat and Protected Species Survey;
- Archaeology Report and
- S1 Sustainability Statement Form and sustainability statement.

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

Environmental Impact Assessment:

Any new application will need to be screened under the terms of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The proposal of application notice outlined the below consultation:

Event 1 - Monday 9th October 2023 - Public Drop-in Event - 15:30-19:30

Event 2 - Monday 6th November 2023 - Public Drop-in Event - 15:30-19:30

Both events will be held at the Delta Hotel by Marriott Edinburgh, 111 Glasgow Road, Edinburgh, EH12 8NF. Feedback forms will be available at both events and there will be a dedicated project email address for interested parties to address any queries / questions to (westcraignorth@iceniprojects.com).

Both events will be advertised in the Edinburgh Evening News at least 7 days before the events.

The PAN was notified to Corstorphine Community Council and Cramond and Barnton Community Council. Ward Councillors for Almond (Cllr Kevin Lang, Cllr Norman Work, Cllr Louise Young, Cllr Lewis Younie) and Drum Brae (Cllr Euan Hyslop, Cllr Edward Thornley, Cllr Robert Aldridge) were notified. Other identified parties specified in the PAN application form are Christine Jardine MP, Alex Cole-Hamilton MSP, and Friends of Cammo.

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

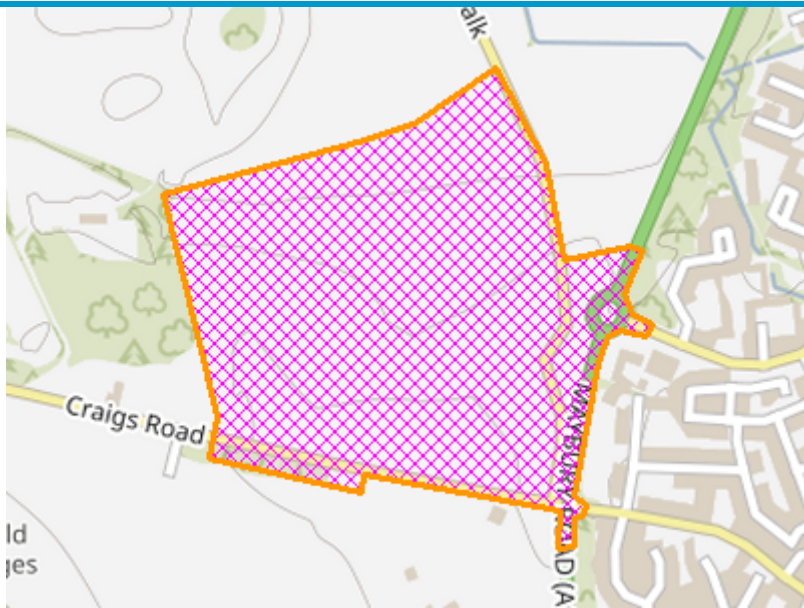
Background reading/external references

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

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Location Plan



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Development Management Sub Committee

Wednesday 22 November 2023

Report for forthcoming application by

Northland Properties. for Proposal of Application Notice

23/04770/PAN

at 13 East Mains of Ingliston, Ingliston Road, Ingliston. Hotel development of approximately 240 rooms across range of sizes/products. Proposal includes landscaping, associated car parking, servicing, access and ancillary development.

Item number

Report number

Wards

B01 - Almond

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for a hotel development of approximately 240 rooms at 13 East Mains of Ingliston, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 23/04770/PAN) on 21 September 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site lies between the junction of Fairview Road and Ingliston Road and is currently occupied with an airport parking business and one residential unit. The surrounding area has a variety of missed uses including the Royal Highland Centre, airport parking, hotels, and industrial uses.

2.2 Site History

25/01/2021 - Approval of matters specified in conditions of Planning Permission 16/02706/PPP for erection of Hotel (Class 7) with associated car parking, servicing, access arrangements and landscaping. (Ref: 20/02217/AMC).

19/04/2017 - Erection of mixed use development including hotel (Class 7), restaurant/ bar (Class 3) with associated car parking, servicing, access arrangements and landscaping. Temporary continuation of existing airport car parking (as amended). (Ref: 16/02706/PPP).

Main report

3.1 Description of the Proposal

An application for planning permission will be submitted for a hotel development of approximately 240 rooms across a range of sizes/ products. The proposal includes landscaping, car parking, servicing, access, and ancillary development.

3.2 Key Issues

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

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

The site is within the urban area in the Edinburgh Local Development Plan (LDP), surrounded by Special Employment Areas on each boundary. The principle of the development may be acceptable, subject to compliance with relevant policies in the plan.

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

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

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

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

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

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

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

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

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

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

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

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

e) The proposal has acceptable impacts on infrastructure;

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

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

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

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

The list above is not exhaustive and other supporting information may be identified.

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice outlined:

Two public events to be held at The Pavilion, Royal Highland Centre, Ingliston:

- 25 October 2023, 2-6pm; and
- 29 November 2023, 2-6pm.

Newspaper adverts:
Edinburgh Evening News.

Mail drop:
Mail drop to local businesses/ residents within 400m radius from site.

Background reading/external references

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

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Location Plan



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Development Management Sub Committee

Wednesday 22 November 2023

Report for forthcoming application by

FM Developments Ltd. for Proposal of Application Notice

23/06110/PAN

at Plot A1 Western Harbour View, Edinburgh, EH6 6PG.

Residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan.

Item number

Report number

Wards

B13 - Leith

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan at Plot A1, Western Harbour View, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 23/06110/PAN) on 5 October 2023.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

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

Background

2.1 Site description

The site, measuring approximately 0.5 hectares, is a rectangular area of land located at the north-western corner of Western Harbour. It is reclaimed land that is now covered in vegetation and a number of trees. The site and adjacent plots are covered by a Tree Protection Order (no. 206). The plot is defined by existing roads to the west, east and south. Though access into the site has been blocked off.

To the immediate south and east of the site are further vacant plots which now also contain vegetation and trees alongside ponds that have formed over time. Further south is the wider development area of Western Harbour. To the north is the western breakwater, Edinburgh Waterfront Promenade safeguard and the open space at Lighthouse Park. To the southwest of the site is the existing flatted residential development.

2.2 Site History

A number of applications have been submitted and built out within the wider Western Harbour site. Initial phases of development included Platinum Point and the Asda superstore. More recently, 455 affordable homes have been built at the junction with Lindsay Road at the southern part of the masterplan site and a new primary school.

1 July 2002 - outline permission granted for a mixed-use development including residential, commercial, retail and public amenity development, public open space provision and associated reclamation, access, service and landscaping arrangements (application reference: 01/03299/OUT).

31 January 2008 - reserved matters approved on Plot A1 for 109 flats and 13 townhouses in January 2008 (application reference 07/02645/REM). Permission lapsed.

3 March 2009 - planning permission was granted to extend the period of time for the approval of reserved matters under planning permission 01/03229/OUT for a further 10 years (application reference: 09/00165/OUT).

Relevant history on adjacent Sites:

29 February 2008 - reserved matters approved on plots A2, B1 and B2 for 258 residential units and some ground floor commercial uses in December 2008 (application number 07/00007/REM). Permission lapsed.

13 May 2013 - section 42 application granted to extend the timeframe for commencing development of 07/00007/REM by six years (application number

13/00498/FUL). Permission lapsed.

10 October 2018 - committee approved a new Revised Design Framework for the land at Western Harbour within Forth Ports Ltd ownership. This replaced the previously approved masterplan and design brief (linked to application reference: 09/00165/OUT).

22 June 2020 - approval of matters specified in condition 2 of planning permission 09/00165/OUT for 938 residential units and commercial development providing for Use Classes 1, 2, 3 and 4 and associated infrastructure approved (application reference: 19/00986/AMC).

21 April 2021 - planning permission granted for a section 42 application to amend the wording of condition 1 of planning permission ref: 09/00165/OUT to amend the time period within which applications for the approval of matters specified in conditions can be made granted. This limited the time period to one year for further AMCs and restricted the site area to the same as that for 19/00986/AMC (application number 20/03225/PPP).

Main report

3.1 Description of the Proposal

An application for full planning permission will be submitted for residential development and associated works.

3.2 Key Issues

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

a) The principle of development is acceptable in this location

The adopted Edinburgh Local Development Plan (LDP) identifies Western Harbour for a housing-led mixed use development. It is identified as Proposal EW1a in the Edinburgh Local Development Plan (LDP). The LDP sets out a number of development principles including completing the approved street layout and perimeter block urban form.

Environmental considerations in relation to biodiversity and trees will need to be taken into account.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. It should be noted that it is possible the status of City Plan 2030 may change, including the weight attributed to it as it undergoes examination.

There is also the potential for City Plan 2030 to be adopted during the eighteen month period that this Proposal of Application Notice (PAN) is valid or during the determination period after a planning application is submitted. In this event, if adopted City Plan 2030 and NPF 4 will form the adopted development plan against which any planning application will be assessed along with any material considerations.

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

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

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

Supporting information is required to show the site's relationship to the various surrounding land uses to ensure that neighbouring amenity is adequately protected. The LDP development principles also note that proposals will be expected to design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development.

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

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

e) There are any other environmental factors that require consideration

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement and travel plan;
- Daylighting and Overshadowing information;
- Archaeological information;
- Visual appraisal information;
- Ecological Appraisal;
- Tree Survey;
- Landscape and Management Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Phase 1 Ground Investigation Report;
- Sustainability Statement and S1 form.

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

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

3.3 Assessment

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

Financial impact

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

Risk, Policy, compliance and governance impact

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

Equalities impact

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

Sustainability impact

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public events, one held on 24th October 2023 and one on 28th November 2023 between 4pm - 7pm at Leith Library.

The Proposal of Application Notice was sent to Local Ward Councillors, Leith Harbour and Newhaven Community Council, Ben Macpherson MSP and Deidre Brock MP.

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

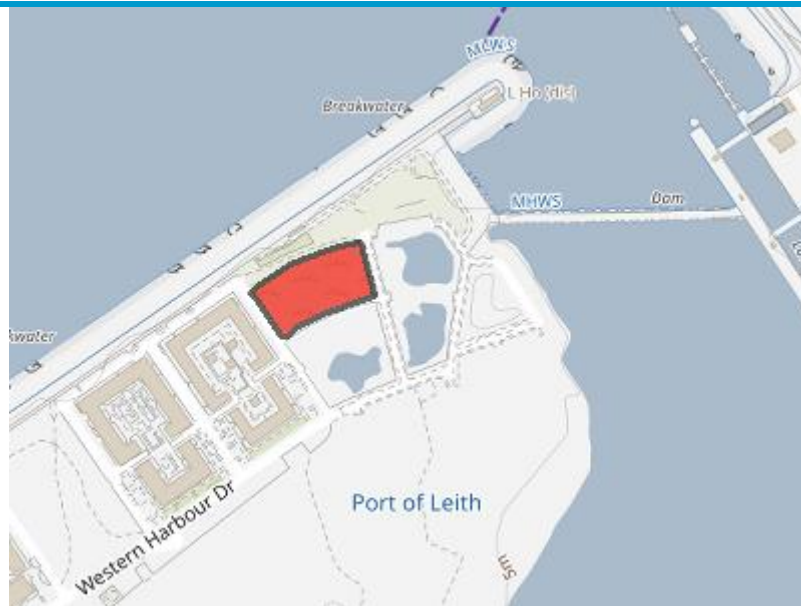
Background reading/external references

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

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Location Plan



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Development Management Sub Committee

22 November 2023

Confirmation of Tree Preservation Order No. 204 (Castle Gogar)

Item number

Report number

Wards

1 - Almond

Summary

Tree Preservation Order No. 204 (Castle Gogar) was made on 1 June 2023 to protect trees and woodlands in the interest of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 1 December 2023 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 204 (Castle Gogar).

Links

[Policies and guidance for this application](#) CDP ENV12

Report

Confirmation of Tree Preservation Order No. 204 (Castle Gogar)

Recommendations

1.1 It is recommended that Committee confirms the Order.

Background

2.1 Site description

The Castle Gogar site is an open green area in the west of Edinburgh inbetween the airport and the A8 road. It is comprised of open fields with individual trees and woodland strips through it.

2.2 Site History

The Castle Gogar site encompasses an area of land within the development site designated as the International Business Gateway (IBG) in the current Local Development Plan (LDP) 2016. The Proposed City Plan 2030 identifies the IBG within part of a larger development priority in policy Place 16 West Edinburgh.

Application 20/03219/PPP for the adjacent site included an Environmental Impact Assessment which identified the Castle Gogar woodlands as an asset of elevated environmental value.

Main report

3.1 Description of the Proposal

The Castle Gogar site, along with the sites to the east and west of it, are expected to be developed in the coming years. The trees and woodlands onsite have the potential to greatly enhance any future development if they are protected. The planning authority has made TPO 204 in order ensure that the trees are properly protected throughout the planning and development process.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
- b) the proposal complies with the development plan;
- c) equality and human rights issues have been addressed;
- d) any representations received indicates the Order should be confirmed, confirmed with modifications or abandoned.

a) Amenity, Expediency and Cultural or Historic Interest

The woodland areas are a significant environmental and landscape asset. They are part of the blue-green network, forming a section of a 1.9-mile stretch of trees linking the Gogar roundabout with the northern tip of the airport. They have been identified in a recent EIA as an asset of elevated ecological value. They form an avenue which has high landscape value for residents and visitors of Castle Gogar House and the adjacent Castle Gogar Rigg development. It is anticipated that the area will be further developed and the woodland strips will form a major landscape feature for any new neighbourhood.

The woodland strips have historic value as part of the landscaping of a historic site, forming an avenue along the access road for Castle Gogar House which was built in 1625. The tree strip is known to date back to the 19th century and possibly earlier.

The avenue of trees lining the entry road is a very significant landscape feature for all users of this area. The trees are large and well-established and meet over the road in many parts, creating a long green arch through which visitors pass. The individual trees also form important landscape features. All the trees included within this TPO have the potential to enhance any future development on the site and provide amenity for decades to come if they are properly protected.

It is expedient to make the Order as the site has been identified for development which means the trees may be at risk. Landowners may clear trees prior to an application, or trees may be damaged during construction, or they may be removed following construction because of impacts on new residents. The Order allows the planning authority to reduce and control these impacts on trees.

b) Development Plan

The supporting text of Policy Env 12 (Trees) of the Edinburgh Local Development Plan (LDP) states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Further to this, the LDP under proposal GS 6, identifies a broader corresponding area as a greenspace proposal.

The Proposed City Plan 2030 has little weight at this stage having been submitted for examination, but Place Policy 16 continues to identify a corresponding area of green infrastructure.

The Order will allow the planning authority to prevent unnecessary removal of trees. In the case that development goes ahead, as anticipated by the Proposed City Plan 2030, it will allow the planning authority to ensure that tree removal is kept to a minimum and there is appropriate replacement of any trees which need to be lost.

Although not a requirement of legislation, Scottish Government Policy is that consent under the order should not be required where full planning permission has been granted that involves works to trees.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations were received.

Conclusion

The Castle Gogar site includes mature woodland areas and a number of individual trees of high landscape and amenity value. The site is identified for development and there is potential for the trees to be lost or damaged during this process if they are not properly protected.

TPO 204 was made under delegated powers to protect the trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed in order to provide permanent protection. The Tree Preservation Order Schedule and map are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 1 June 2023 and displayed at Corstorphine Library in accordance with regulatory requirements. A copy was also available to view on the Council's website.

Background reading/external references

- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [National Planning Framework 4 \(www.gov.scot\)](#)
- [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#)
- [The Town and Country Planning \(Tree Preservation Order and Trees in Conservation Areas\) \(Scotland\) Regulations 2010 \(legislation.gov.uk\)](#)

Statutory Development

Plan Provision

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).

Date registered

N/A

Drawing numbers/Scheme

N/A

David Givan

Chief Planning Officer
PLACE
City of Edinburgh Council

Contact: Ruthe Davies
E-mail: ruthe.davies@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Appendices

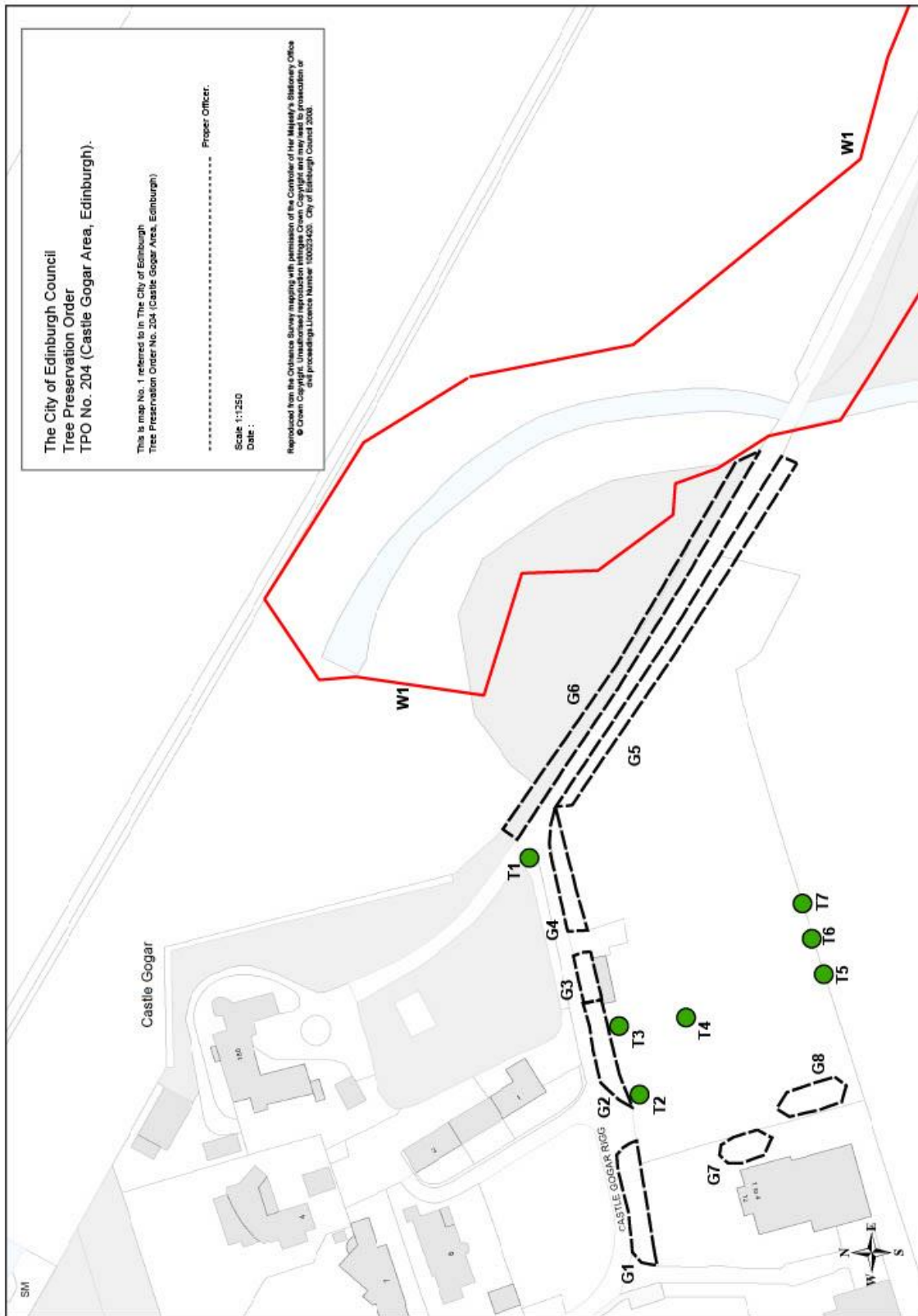
APPENDIX 1 Tree Preservation Order First Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Maps	Description	Situation
T1	Lime	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T2	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T3	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T4	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T5	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
T6	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of

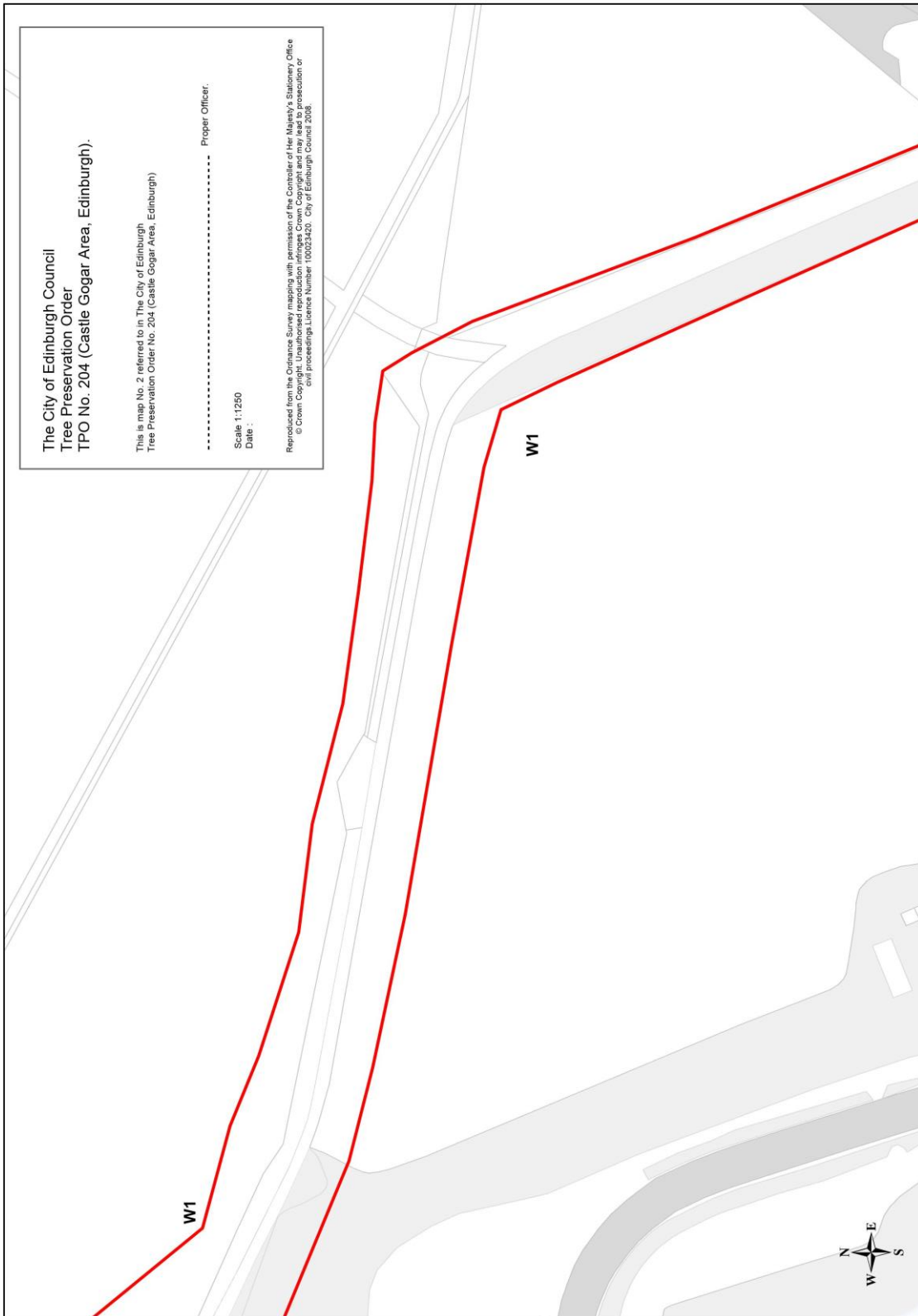
		Scotland with Title Number MID59517.
T7	Sycamore	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
Trees Specified by Reference to an Area (within a solid black line on the maps)		
No. on Maps	Description	Situation
None		
Groups of Trees (within a broken black line on the maps)		
No. on Maps	Description	Situation
G1	A row of 5 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G2	A row of 4 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G3	A row of 3 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G4	A row of 6 Birch	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of

		Scotland with Title Number MID59517.
G5	A row of 9 trees comprising (NW to SE) 2 Horse Chestnut, 1 Beech, 1 Lime, 2 Sycamores, 1 Maple, 1 Sycamore and 1 Horse Chestnut.	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
G6	A row of 16 trees comprising (NW to SE) 1 Horse Chestnut, 1 Ash, 1 Horse Chestnut, 1 Maple, 2 Sycamore, 1 Lime, 1 Sycamore, 1 Maple, 1 Sycamore, 1 Horse Chestnut, 2 Sycamore, 1 Horse Chestnut, 1 Lime and 1 sycamore.	On the land at CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517.
Woodlands (within a red line on the maps)		
No. on Maps	Description	Situation
W1	Woodland strips of various tree species	On the land at: (1) EDINBURGH AIRPORT, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID97007; (2) CASTLE GOGAR, 180 GLASGOW ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID59517; and (3) MEADOWFIELD FARM TURNHOUSE ROAD, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID34648;

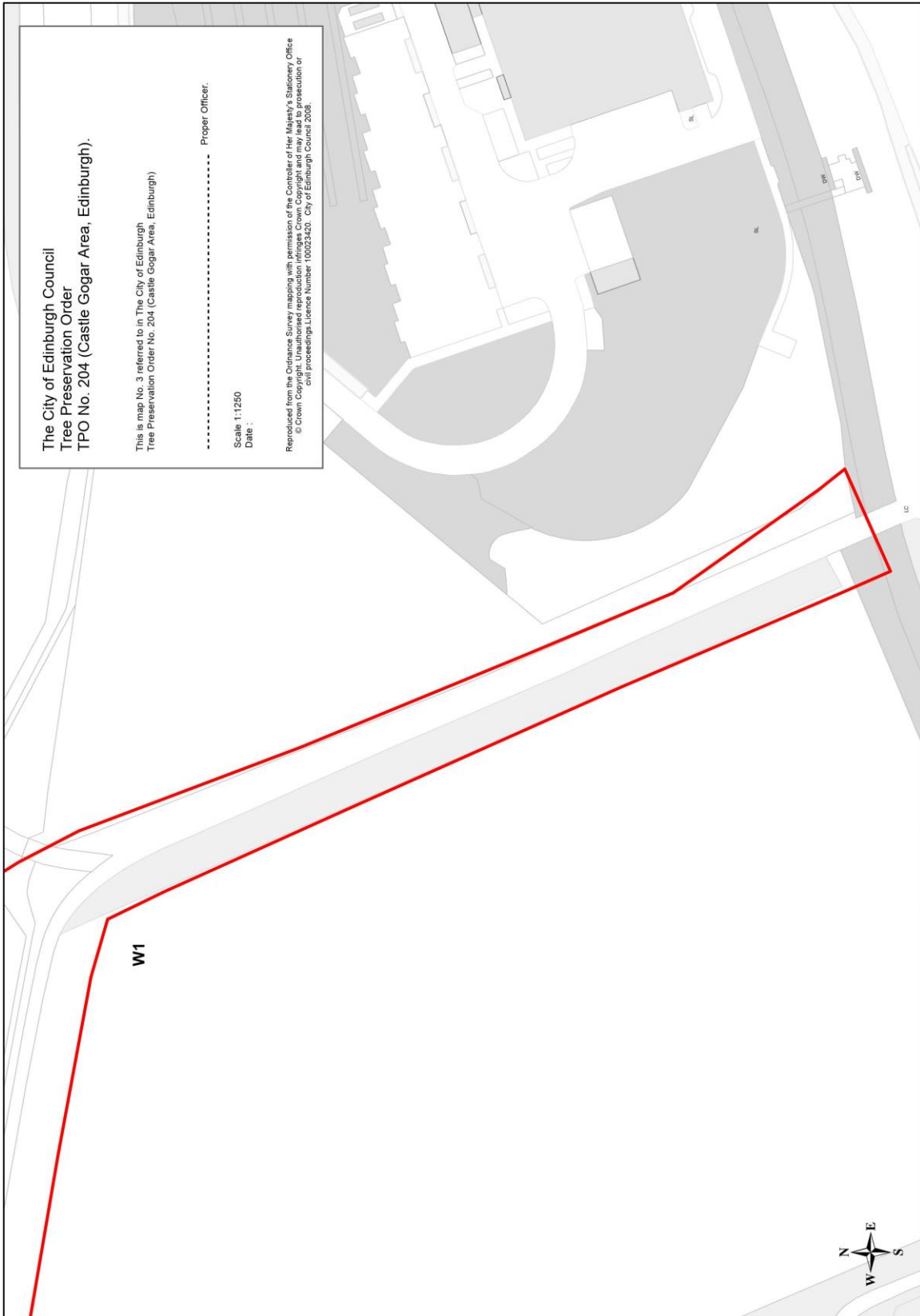
APPENDIX 2 Tree Preservation Order Maps



Map 1 of 3



Map 2 of 3



**APPENDIX 3
Photographs**



Fig. 1: The south tip of W1 as seen from the tramline crossing



Fig. 2: Trees within W1 lining the access road



Fig. 3: Trees T5, T6 and T7



Fig. 4: Trees T2, T3, T4, T5, T6 and G7, and groups G7 and G8

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Development Management Sub Committee

22 November 2023

Confirmation of Tree Preservation Order No. 205 (Brunstane)

Item number

Report number

Wards

17 – Portobello/Craigmillar

Summary

Tree Preservation Order No. 205 (Brunstane) was made on 1 June 2023 to protect woodland areas in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 1 December 2023 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 205 (Brunstane).

It is further recommended that Committee revokes associated Tree Preservation Order No. 193 (Brunstane).

Links

[Policies and guidance for this application](#) CDP ENV12

Report

Confirmation of Tree Preservation Order No. 205 (Brunstane)

Recommendations

- 1.1 It is recommended that Committee confirms the Order and revokes the corresponding previous order.

Background

2.1 Site description

The site consists of groups of trees and woodland at Brunstane, Edinburgh. The trees were planted as part of the design for the original Gilberstoun housing development and provides important visual and amenity benefit as well as green corridors surrounding the public footpath network. It is designated as an area of Green Corridors in the 2009 Open Space Audit. The trees have been planted as part of previous landscaping and are thought in general to be around 30 years old.

This site is not within a conservation area.

2.2 Site History

In June 2023 the planning authority made TPO 193 to cover most of the same area that is included in TPO 205. This was a response to concerns raised by members of the public that ad hoc felling in the woodlands could degrade their amenity value.

In 2020 application 20/03651/TPO was received for the removal of eight birch trees on the edge of a woodland. Consent was granted for this work.

Main report

3.1 Description of the Proposal

TPO 193 (Brunstane) was made in June 2020, however, there was a procedural error in the process of confirmation. One representation was received but was not considered as part of the confirmation process. This was raised by the land owner and in response we agreed to remake the TPO. The shape of W2 was changed in response to the representation which pointed out that part of W2 in TPO 193 covered an area which had received planning permission for a house, and the trees had been cleared.

The TPO has been remade with an altered woodland shape in order to account for the representation received. It is also to ensure that the TPO is made following the correct procedure and is valid.

A revocation order for TPO 193 has been included with this report (see appendix 4) and will take effect if TPO 205 is confirmed. This will revoke TPO 193, which will be replaced with TPO 205, in order to avoid confusion.

3.2 Determining Issues

Section 160 of the Town and Country Planning (Scotland) Act 1997 states that a planning authority may make an order specifying any trees, groups of trees or woodlands in their district and providing for their preservation if it is a) expedient in the interests of amenity to make that provision, or b) that the trees, groups of trees or woodlands are of cultural or historical significance.

The planning authority must consider any representations made in accordance with the Tree Preservation Order and Trees in Conservation Areas Regulations before the tree preservation order is confirmed.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the making of the Order is expedient in the interests of amenity or whether the trees, groups of trees or woodlands are of cultural or historical significance;
- b) the proposal complies with the development plan;
- c) equality and human rights issues have been addressed; and
- d) any representations received indicates the Order should be confirmed, confirmed with modifications or abandoned.

a) Amenity, Expediency and Cultural or Historic Interest

The woodlands in question are of high amenity value due to their prominence in the neighbourhood. They provide a green backdrop to many streets in the Gilbertstoun development.

The making of the Order is expedient as there are development pressures in the area, and refusal of planning permission on the grounds of tree loss can result in the removal of trees. In addition, there is a risk that frequent ad-hoc tree removal could diminish the woodlands over time.

The woodlands are not considered to have cultural or historic significance.

b) Development Plan

The supporting text of Policy Env 12 (Trees) of the Edinburgh Local Development Plan states that where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

In view of the amenity provided by the trees, the requirement to apply a Tree Preservation Order complies with the development plan.

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

The statutory requirement on planning authorities is to make Orders where this is in the interests of amenity. Amenity in this context is interpreted as extending beyond the amenity of an individual party and being of wider public benefit. An Order allows any person to apply for permission to carry out tree pruning, felling etc at any time; at that time the individual circumstances of the case must be assessed and a decision on tree work proposals reached. There is a right of appeal against the decision of a planning authority.

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner. No representations were received.

Conclusion

The blocks of woodlands around Gilbertstoun are part of the design of the neighbourhood and contribute to the character and attractiveness of the area. The Order will ensure that the woodlands are retained and protected.

TPO 205 was made under delegated powers to protect the trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed, along with a revocation of TPO 193, in order to provide permanent protection.

The Tree Preservation Order Schedule and map are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3. The revocation order for TPO 193 is enclosed at Appendix 4.

Financial impact

4.1 The financial impact has been assessed as follows:

Costs are accommodated through existing budgets.

Risk, Policy, compliance and governance impact

5.1 Provided Tree Preservation Orders are confirmed in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Not applicable.

8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 1 June 2023 and displayed at Portobello Library in accordance with regulatory requirements. A copy was also available to view on the Council's website.

Background reading/external references

- [Planning guidelines](#)
- [Edinburgh Local Development Plan](#)
- [National Planning Framework 4 \(www.gov.scot\)](#)
- [Town and Country Planning \(Scotland\) Act 1997 \(legislation.gov.uk\)](#)
- [The Town and Country Planning \(Tree Preservation Order and Trees in Conservation Areas\) \(Scotland\) Regulations 2010 \(legislation.gov.uk\)](#)

Statutory Development

Plan Provision

Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders (ENV12).

Date registered

N/A

Drawing numbers/Scheme

N/A

David Givan

Chief Planning Officer
PLACE
City of Edinburgh Council

Contact: Ruthe Davies
E-mail: ruthe.davies@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Local Development Plan

LDP Policy ENV12 (Trees)

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

This policy recognises the important contribution made by trees to character, biodiversity, amenity and green networks. In assessing proposals affecting trees, the Council will consider their value, taking into account status such as Tree Preservation Order, heritage tree, Ancient Woodland and Millennium Woodland, and information from tree surveys.

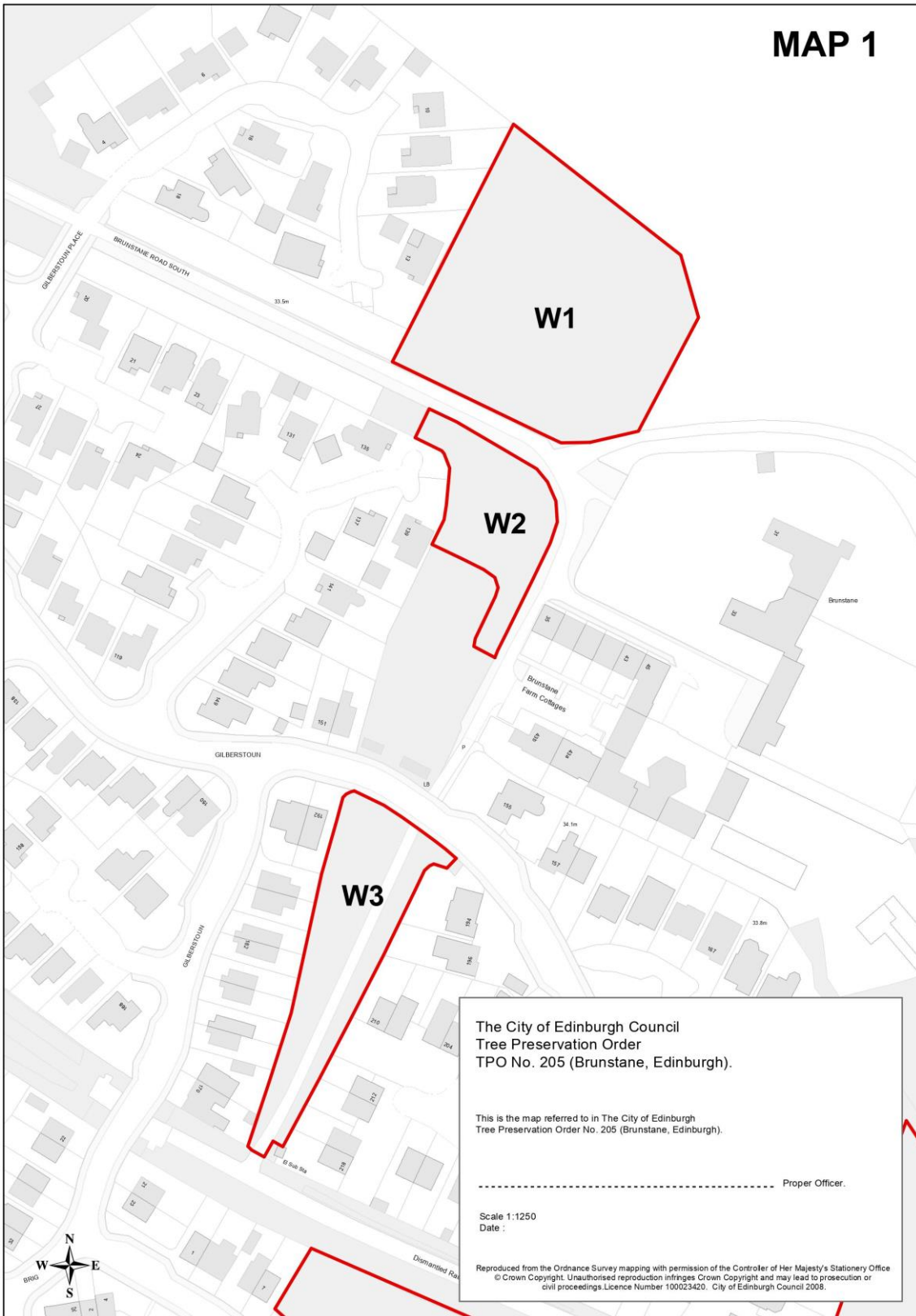
Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

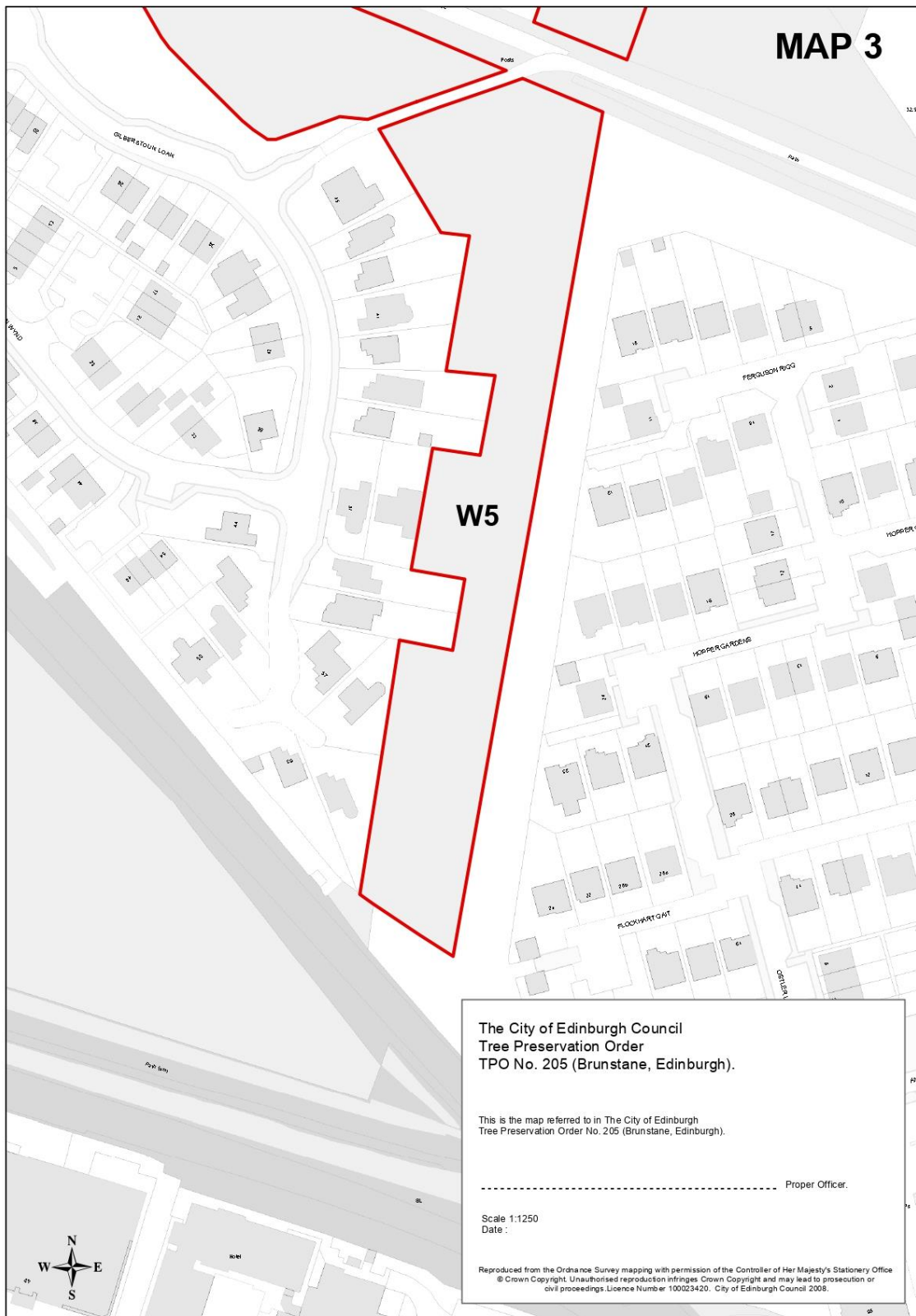
Appendices

APPENDIX 1 Tree Preservation Order First Schedule

Trees Specified Individually (marked in green on the maps)		
No. on Map	Description	Situation
	None	
Trees Specified by Reference to an Area (within a solid black line on the maps)		
No. on Map	Description	Situation
	None	
Groups of Trees (within a broken black line on the maps)		
No. on Map	Description	Situation
G1	A closely grown group of trees consisting mainly of cherry and hawthorn.	On the land at BRUNSTANE BURN, BRUNSTANE, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID95174.
Woodlands (Within a red line on the maps)		
No. on Map	Description	Situation
W1	Comprising trees of mixed species	On the land at BRUNSTANE BURN, BRUNSTANE, EDINBURGH and being part of the Titles currently registered in the Land Register of Scotland with Title Number MID95174.
W2	Comprising trees of mixed species	
W3	Comprising trees of mixed species	
W4	Comprising trees of mixed species	
W5	Comprising trees of mixed species	
W6	Comprising trees of mixed species	

APPENDIX 2 Tree Preservation Order Map





**APPENDIX 3
Photographs**



Fig. 1: Woodland W6



Fig. 2: Woodland W3



Fig. 3: Woodland W2



Fig. 4: Woodland W3

APPENDIX 4

Revocation order for TPO 193

THE CITY OF EDINBURGH COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

The City of Edinburgh Council make the following Tree Preservation Revocation Order in exercise of the powers conferred by Section 275 of the Town and Country Planning (Scotland) Act 1997 and of all other powers enabling them to do so.

This Order revokes the Tree Preservation Order No. 193 (Brunstane, Edinburgh) which was made on 10 June 2020.

This Revocation Order was confirmed by The City of Edinburgh Council on 22 November 2023.

Morven Kirsty Coulter
Proper Officer

STATEMENT OF REASONS FOR MAKING THE ORDER

The City of Edinburgh Council considers that the Tree Preservation Order made by The City of Edinburgh Council on 10 June 2020 and served on trees and woodland at Brunstane, Edinburgh contained a procedural error which needs to be remedied.

Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission
162 Ferry Road, Edinburgh, EH6 4NX.**

Proposal: Change to planning condition to extend the opening hours of this restaurant from 20.00 to 21.00 to match existing tables and chairs licence.

**Item – Committee Decision
Application Number – 23/02174/FUL
Ward – B04 - Forth**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because forty-one letters of objections to the proposals have been received and the recommendation is for approval. Consequently, under the Council's scheme of delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed extension of opening hours would not result in an unreasonable loss of neighbouring amenity and are compliant with the relevant local development plan policies contained within the Edinburgh Local Development Plan and NPF 4. There are no other material considerations which outweigh this decision.

SECTION A – Application Background

Site Description

The application site is a ground floor, corner unit, forming part of a three storey tenement building, with residential properties located on the floors above. Other commercial units occupy the ground floor of the wider building.

It is situated at the junction of Ferry Road and Summerside Street. The property is a class three unit, with an incidental takeaway element.

Description of the Proposal

The application, made under Section 42 of the Town and Country Planning (Scotland) Act 1997, seeks to increase the hours of operation from 08:00 - 20:00 to 08:00 - 21:00.

Relevant Site History

21/06362/FUL
162 Ferry Road
Edinburgh
EH6 4NX
S42 variation to planning condition to extend opening hours from 8.00p.m. to 11.00p.m.
Refused
6 July 2022

20/05387/FUL
162 Ferry Road
Edinburgh
EH6 4NX
The proposal is to vary the condition restricting opening hours of the cafe operation from 2000 up to 2300.
Refused
23 February 2021

15/01077/FUL
162 Ferry Road
Edinburgh
EH6 4NX
Alterations and change of use of existing shop to form coffee shop with take-away facility.
Refused and Enforced
6 May 2015

Other Relevant Site History

No other relevant site history.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 June 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 16 June 2023

Site Notices Date(s): 13 June 2023

Number of Contributors: 922

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?

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

Managing Change - Conservation Areas.

There are no external alterations proposed to the building. As such there will be no material change to the character or appearance of the conservation area.

Conclusion in relation to the conservation area

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

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:

- NPF 4 Policy 1
- NPF 4 Policy 7
- LDP Policy Hou 7.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 policy 7.

Principle of use

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

The property is located within the designated Ferry Road West Local Shopping Centre Area. However, the principle of the food and drink use is established through a grant of permission on appeal and no further assessment of the principle of the use is required.

Impact on residential amenity

The Council's Environmental Protection consultation has recommended the application be refused on the grounds of residential amenity. Their response has been considered as part of this assessment.

A planning application (15/01077/FUL) for the change of use of the unit to a food and drink use was refused under delegated powers but was subsequently approved following an appeal to the Local Review Body. This permission was subject to a condition limiting the opening hours from 8am until 8pm. This was in order to protect residential amenity.

A Section 42 application (21/06362/FUL) to extend the opening hours from 20:00 to 23:00 was refused by the Development Management Sub-Committee in 2022. An appeal was submitted to the DPEA, with the Council's decision to refuse being upheld.

However, as part of the decision, it was noted by the Reporter that whilst levels of background noise and activity in the street reduce considerably, later into the evening, there were still relatively high levels of ambient noise and activity at 21:00. The Reporter noted that vehicle frequency was around 15 vehicles at 20:45, dropping to nine vehicles at 21:00. Given the characteristics of the immediate vicinity at 21:00, with background noise forming part of the makeup of the area, the proposed increase in hours would not have an unacceptable impact on the residential amenity of properties within the surrounding area. Moreover, it is noted that other businesses located slightly further down Ferry Road, including a bar and takeaway business, also contribute to noise levels in the area and are open until later in the evening. In these circumstances, the proposed extension of opening hours would not have a materially detrimental effect on the amenity of nearby residents.

The proposal complies with LDP Policy Hou 7.

Impact on conservation area

This has been addressed above; the proposals comply with NPF 4 Policy 7.

Increase in Parking

It is noted that the site has no dedicated private parking and currently relies on on-street parking availability. There will be no significant increase in parking on the street or on congestion as a result of the extended opening hours.

Conclusion in relation to the Development Plan

The proposal, by virtue of the characteristics of the immediate vicinity, would not have an unacceptable impact on residential amenity. The proposal would have no impact on parking or on the character and appearance of the conservation area.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

The application attracted a total of 921 representations, with 41 objections and 880 supporting comments.

material considerations objections

- Loss of residential amenity - This has been addressed in section (b) above.
- Additional vehicles and parking - This has been addressed in section (b) above.

non-material considerations objections

- The application site has been subject to enforcement action for breach of planning regulations.
- Existing refused applications and appeals for later closing times.

material considerations support

- Lack of similar class three facilities within the area.
- Adds to local economy.
- The road is already busy at proposed closing time, extended hours unlikely to cause significant further disturbance.

non-material considerations support

- Beneficial as a family run, local business.
- Food is of a high quality.

Conclusion in relation to identified material considerations

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

Overall conclusion

The proposed extension of opening hours would not result in an unreasonable loss of neighbouring amenity and would be compliant with LDP Policy Hou 7. There are no other material considerations which outweigh this decision.

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. The hours of operation of the premises shall be restricted from 08:00 - 21:00.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.

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: 7 June 2023

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Craig Zirmer, Assistant Planning Officer
E-mail: craig.zirmer@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT:

DATE:

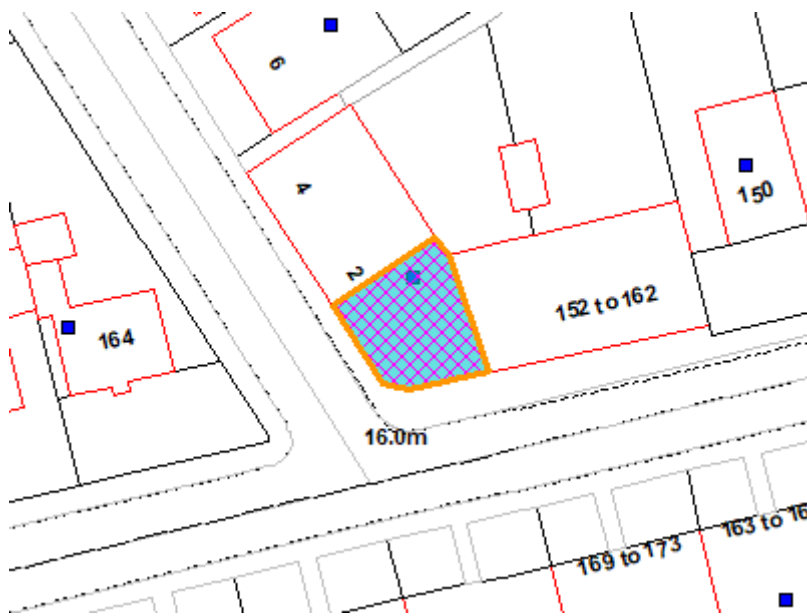
NAME: Environmental Protection

COMMENT: Recommends refusal on the basis of impact on residential 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 22 November 2023

**Application for Planning Permission STL
169 Gilmore Place, Edinburgh, EH3 9PW**

**Proposal: Retrospective change of use from restaurant (Class 3) and
takeaway to short term let (Sui Generis).**

**Item – Committee Decision
Application Number – 23/04466/FULSTL
Ward – B10 - Morningside**

Reasons for Referral to Committee

The application is subject to a petition with 24 signatories in support of the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

Recommendation

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

Summary

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

SECTION A – Application Background

Site description

The application site is a ground floor one bedroom flat located below other residences on the southern side of Gilmore Place. The property has its own access to the street.

The section of Gilmore Place that the application site is located on is of predominantly residential character, though a mix of different uses including offices, retail, restaurants, and a church are in proximity of the application site. Public transport links are easily accessible from the site.

The application site is in the Marchmont, Meadows and Bruntsfield Conservation Area.

Description of the Proposal

The description of proposal seeks a retrospective change of use from restaurant and takeaway to STL. As stated in the relevant site history, planning permission was granted in July 2021 for the conversion of the restaurant and takeaway to form three residential properties, reference 21/02427/FUL. As stated in the supporting statement, works commenced in line with the approved application and the conversion was completed in June 2020.

The supporting statement outlines that following completion of the works, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented by application 21/02427/FUL has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, Caledonian Terminal Investments Ltd v Edinburgh Corp [1970] S.L.T. 362 and Doonin Plant Ltd v Scottish Ministers [2011] CSOH 3, the works associated with 21/02427/FUL have progressed sufficiently that the restaurant and takeaway use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

The existing lawful use of the property is as a flatted dwelling and a change of use to short term let is proposed. For the avoidance of doubt, no internal or external physical changes are proposed.

Supporting Information

- Supporting Statement

Relevant Site History

21/02427/FUL
169 - 173 Gilmore Place
Edinburgh
EH3 9PW
Convert from restaurant to 3x flatted dwellings.
Granted
6 July 2021

Other Relevant Site History

Planning applications in close proximity to the application site have been submitted for retrospective changes of use to short term let (Sui Generis).

Site addresses and references are:

- 23/04469/FULSTL, 171 Gilmore Place
- 23/04471/FULSTL, 173 Gilmore Place

Planning applications at and in close proximity to the application site for retrospective changes of use to short term let (Sui Generis) have previously been refused.

Site addresses and references are:

- 22/04800/FUL, 169 Gilmore Place
- 22/04801/FUL, 171 Gilmore Place
- 22/04802/FUL, 173 Gilmore Place

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 29 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 6 October 2023

Site Notices Date(s): 3 October 2023

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

If the proposals do not comply with the development plan, are there any compelling

material considerations for approving them?

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

There are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 Policy 30. and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF4 Policy 7.

Proposed use

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

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

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to an STL 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 and character

The proposed short term let is located within a three and a half storey flatted block. The property has its own main door access and is located within an area of predominantly residential character that features a moderate degree of activity during the day and a low degree of activity at night.

The use as an STL would result in an increased frequency of movement to the property, establishing a pattern of movement to and from the property dissimilar to that of a how the property would be used if it were occupied by a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home, with resultant negative amenity impacts, particularly at night.

However, with regard to page 9 of the Guidance for Businesses, it is recognised that the amenity impacts of the application are to a degree mitigated by the small size of the property, that the property has its own main door access to the street, that the section of Gilmore Place the property is located on is a comparatively busy thoroughfare during the day, and that there is a high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime.

In terms of character, when viewed cumulatively with other change of use to STL applications in the area, most notably at 171 and 173 Gilmore Place (application references 23/04469/FULSTL and 23/04471/FULSTL respectfully), the proposal will result in a significantly different pattern of usage and will erode the established predominance of residential uses in the area.

On balance, the proposed change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents, have a significant detrimental effect on the living conditions and amenity of nearby residents and erode the established character of the area. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

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

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would result in a loss of residential accommodation, which as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

Zero parking is acceptable as there are no parking requirements for STLs.

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

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.

Equalities and human rights

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

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

Public representations

The application received two objections. A petition in support of the application with 24 signatures was also received. A summary of the representations is provided below:

material considerations

- The proposal would result in a loss of residential accommodation. Assessed in section b).
- The proposal would not result in a loss of residential accommodation. Assessed in section b).
- The proposal is non-compliant with the development plan. Assessed in section b).
- The proposal is non-compliant with City Plan 2030. Assessed in section c).
- The proposal would change the character of the area. Assessed in section b).
- Negative impact on the amenity of neighbouring residents. Assessed in section b).
- Positive impact to local businesses, the local economy, employment, and the tourism industry. Assessed in section b).
- Lack of impact to neighbouring amenity. Assessed in section b).
- Location is appropriate for short term lets. Assessed in section b).

non-material considerations

- The proposal would result in an increase in rental prices in the area.
- Negative impact to local services (Waste).
- Negative impact to local services (Public Transport).
- The proposed short term let use will ensure the property is well maintained.

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Reason for Refusal: -

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this 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 adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 15 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

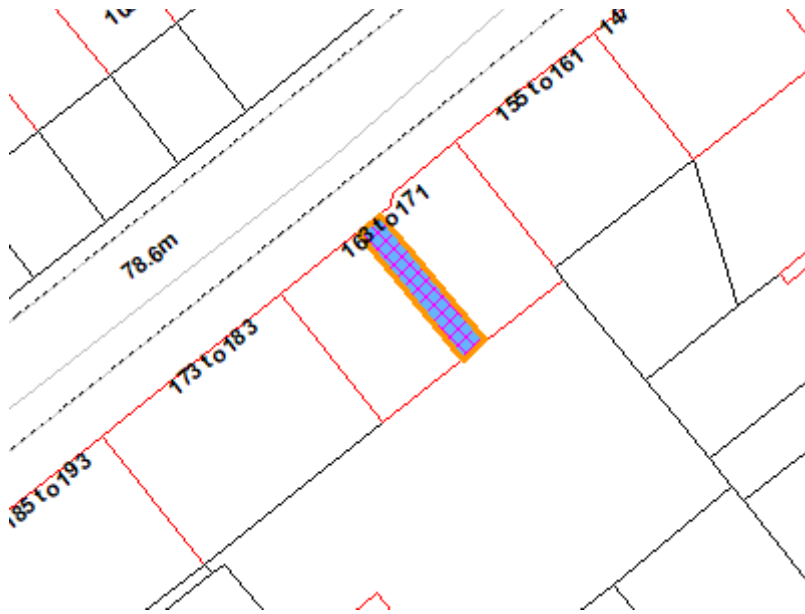
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
171 Gilmore Place, Edinburgh, EH3 9PW**

**Proposal: Retrospective change of use from restaurant (Class 3) and
takeaway to short-term let (Sui Generis).**

**Item – Committee Decision
Application Number – 23/04469/FULSTL
Ward – B10 - Morningside**

Reasons for Referral to Committee

The application is subject to a petition with 24 signatories in support of the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

Recommendation

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

Summary

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

SECTION A – Application Background

Site description

The application site is a ground floor one bedroom flat located below other residences on the southern side of Gilmore Place. The property has its own access to the street.

The section of Gilmore Place that the application site is located on is of predominantly residential character, though a mix of different uses including offices, retail, restaurants, and a church are in proximity of the application site. Public transport links are easily accessible from the site.

The application site is in the Marchmont, Meadows and Bruntsfield Conservation Area.

Description of the Proposal

The description of proposal seeks a retrospective change of use from restaurant and takeaway to STL. As stated in the relevant site history, planning permission was granted in July 2021 for the conversion of the restaurant and takeaway to form three residential properties, reference 21/02427/FUL. As stated in the supporting statement, works commenced in line with the approved application and the conversion was completed in June 2020.

The supporting statement outlines that following completion of the works, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented by application 21/02427/FUL has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, Caledonian Terminal Investments Ltd v Edinburgh Corp [1970] S.L.T. 362 and Doonin Plant Ltd v Scottish Ministers [2011] CSOH 3, the works associated with 21/02427/FUL have progressed sufficiently that the restaurant and takeaway use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

The existing lawful use of the property is as a flatted dwelling and a change of use to short term let is proposed. For the avoidance of doubt, no internal or external physical changes are proposed.

Supporting Information

- Supporting Statement

Relevant Site History

21/02427/FUL
169 - 173 Gilmore Place
Edinburgh
EH3 9PW
Convert from restaurant to 3x flatted dwellings.
Granted
6 July 2021

Other Relevant Site History

Planning applications in close proximity to the application site have been submitted for retrospective changes of use to short term let (Sui Generis).

Site addresses and references are:

- 23/04466/FULSTL, 169 Gilmore Place
- 23/04471/FULSTL, 173 Gilmore Place

Planning applications at and in close proximity to the application site for retrospective changes of use to short term let (Sui Generis) have previously been refused.

Site addresses and references are:

- 22/04800/FUL, 169 Gilmore Place
- 22/04801/FUL, 171 Gilmore Place
- 22/04802/FUL, 173 Gilmore Place

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 29 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 6 October 2023

Site Notices Date(s): 3 October 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

There are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 Policy 30. and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF4 Policy 7.

Proposed use

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

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

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to an STL 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 and character

The proposed short term let is located within a three and a half storey flatted block. The property has its own main door access and is located within an area of predominantly residential character that features a moderate degree of activity during the day and a low degree of activity at night.

The use as an STL would result in an increased frequency of movement to the property, establishing a pattern of movement to and from the property dissimilar to that of a how the property would be used if it were occupied by a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home, with resultant negative amenity impacts, particularly at night.

However, with regard to page 9 of the Guidance for Businesses, it is recognised that the amenity impacts of the application are to a degree mitigated by the small size of the property, that the property has its own main door access to the street, that the section of Gilmore Place the property is located on is a comparatively busy thoroughfare during the day, and that there is a high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime.

In terms of character, when viewed cumulatively with other change of use to STL applications in the area, most notably at 169 and 173 Gilmore Place (application references 23/04466/FULSTL and 23/04471/FULSTL respectfully), the proposal will result in a significantly different pattern of usage and will erode the established predominance of residential uses in the area.

On balance, the proposed change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents, have a significant detrimental effect on the living conditions and amenity of nearby residents and erode the established character of the area. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

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

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would therefore result in a loss of residential accommodation, which as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

Zero parking is acceptable as there are no parking requirements for STLs.

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

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.

Equalities and human rights

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

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

Public representations

The application received one objection. A petition in support of the application with 24 signatures was also received. A summary of the representation is provided below:

material considerations

- Concentration of short term lets and student housing in the local area is impacting on the local community. Assessed in section b)
- Positive impact to local businesses, the local economy, employment, and the tourism industry. Assessed in section b).
- Lack of impact to neighbouring amenity. Assessed in section b).
- Location is appropriate for short term lets. Assessed in section b).

non-material considerations

- Other preferred use of the property.
- Planning permission is not necessary.
- The local area needs more affordable housing.
- The area should be regenerated using a comprehensive plan.
- The proposed short term let use will ensure the property is well maintained.

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Reason for Refusal: -

1. The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this 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 adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 15 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
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Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
173 Gilmore Place, Edinburgh, EH3 9PW**

**Proposal: Retrospective change of use from restaurant (Class 3) and
takeaway to short-term let (Sui Generis).**

**Item – Committee Decision
Application Number – 23/04471/FULSTL
Ward – B10 - Morningside**

Reasons for Referral to Committee

The application is subject to a petition with 23 signatories in support of the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

Recommendation

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

Summary

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

SECTION A – Application Background

Site description

The application site is a ground floor one bedroom flat located below other residences on the southern side of Gilmore Place. The property has its own access to the street.

The section of Gilmore Place that the application site is located on is of predominantly residential character, though a mix of different uses including offices, retail, restaurants, and a church are in proximity of the application site. Public transport links are easily accessible from the site.

The application site is in the Marchmont, Meadows and Bruntsfield Conservation Area.

Description of the Proposal

The description of proposal seeks a retrospective change of use from restaurant and takeaway to STL. As stated in the relevant site history, planning permission was granted in July 2021 for the conversion of the restaurant and takeaway to form three residential properties, reference 21/02427/FUL. As stated in the supporting statement, works commenced in line with the approved application and the conversion was completed in June 2020.

The supporting statement outlines that following completion of the works, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented by application 21/02427/FUL has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, Caledonian Terminal Investments Ltd v Edinburgh Corp [1970] S.L.T. 362 and Doonin Plant Ltd v Scottish Ministers [2011] CSOH 3, the works associated with 21/02427/FUL have progressed sufficiently that the restaurant and takeaway use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

The existing lawful use of the property is as a flatted dwelling and a change of use to short term let is proposed. For the avoidance of doubt, no internal or external physical changes are proposed.

Supporting Information

- Supporting Statement

Relevant Site History

21/02427/FUL
169 - 173 Gilmore Place
Edinburgh
EH3 9PW
Convert from restaurant to 3x flatted dwellings.
Granted
6 July 2021

Other Relevant Site History

Planning applications in close proximity to the application site have been submitted for retrospective changes of use to short term let (Sui Generis).

Site addresses and references are:

- 23/04466/FULSTL, 169 Gilmore Place
- 23/04469/FULSTL, 171 Gilmore Place

Planning applications at and in close proximity to the application site for retrospective changes of use to short term let (Sui Generis) have previously been refused.

Site addresses and references are:

- 22/04800/FUL, 169 Gilmore Place
- 22/04801/FUL, 171 Gilmore Place
- 22/04802/FUL, 173 Gilmore Place

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 29 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 6 October 2023

Site Notices Date(s): 3 October 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well-proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

There are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

Conclusion in relation to the conservation area

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

b) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

The non-statutory Listed Building and Conservation Area Guidance is a material consideration when considering NPF 4 Policy 7.

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 Policy 30. and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Conservation Area

There are no external or internal works proposed and as such there will not be a significant impact on historic assets or places. The proposal complies with NPF4 Policy 7.

Proposed use

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

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

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

The non-statutory Guidance for Businesses (2023) states that an assessment of a change of use of dwellings to an STL 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 and character

The proposed short term let is located within a three and a half storey flatted block. The property has its own main door access and is located within an area of predominantly residential character that features a moderate degree of activity during the day and a low degree of activity at night.

The use as an STL would result in an increased frequency of movement to the property, establishing a pattern of movement to and from the property dissimilar to that of a how the property would be used if it were occupied by a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home, with resultant negative amenity impacts, particularly at night.

However, with regard to page 9 of the Guidance for Businesses, it is recognised that the amenity impacts of the application are to a degree mitigated by the small size of the property, that the property has its own main door access to the street, that the section of Gilmore Place the property is located on is a comparatively busy thoroughfare during the day, and that there is a high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime.

In terms of character, when viewed cumulatively with other change of use to STL applications in the area, most notably at 169 and 171 Gilmore Place (application references 23/04466/FULSTL and 23/04469/FULSTL respectfully), the proposal will result in a significantly different pattern of usage and will erode the established predominance of residential uses in the area.

On balance, the proposed change of use would increase the level of ambient background noise beyond what is reasonably expected by neighbouring residents, have a significant detrimental effect on the living conditions and amenity of nearby residents and erode the established character of the area. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

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

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would therefore result in a loss of residential accommodation, which as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

Parking Standards

Zero parking is acceptable as there are no parking requirements for STLs.

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

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.

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 application with 23 signatures was received. A summary of the petition is provided below:

material considerations

- Positive impact to local businesses, the local economy, employment, and the tourism industry. Assessed in section b).
- Lack of impact to neighbouring amenity. Assessed in section b).
- Location is appropriate for short term lets. Assessed in section b).

non-material considerations

- The proposed short term let use will ensure the property is well maintained.

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Reasons

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 adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 15 September 2023
Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

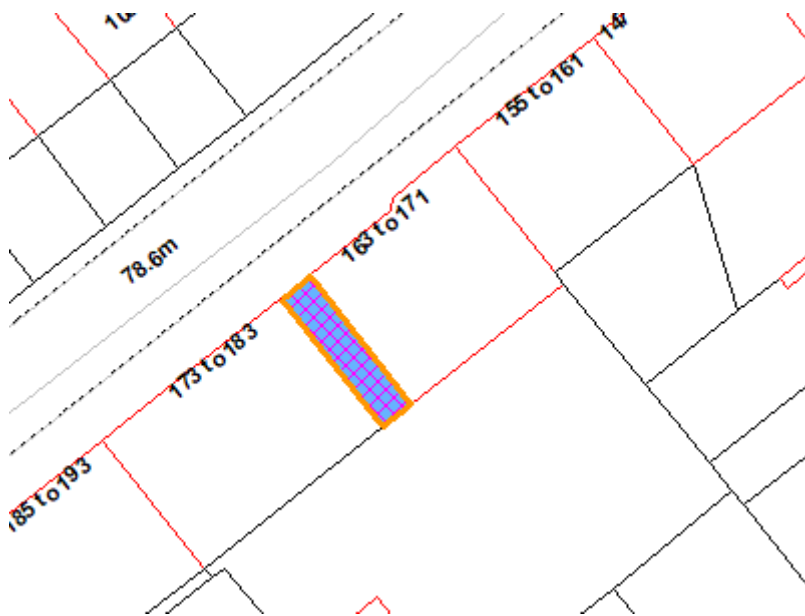
Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission
1F 22 Lower Gilmore Place, Edinburgh, EH3 9NY**

Proposal: Change of use to short-term letting (in retrospect).

**Item – Committee Decision
Application Number – 23/03781/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

The proposal is acceptable with regard to 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 property is a former office used for storage on the first floor of a two-storey building at 22 Lower Gilmore Place, south of the Union Canal.

The immediate surrounding area is a mix of commercial and residential uses. To the west of the application property are residential properties and the communal garden area of 6, Leamington Road. The east elevation of No.6 sits approximately 4.8 metres from the application site and has habitable windows facing on to the west elevation of the application property. There are new residential flats further west at the end of Lower Gilmore Place, beyond the Leamington Lift Bridge. To the east of the application property is a commercial workshop, service yards and office units. These buildings relate to plot 12-18 Lower Gilmore Place. On the opposite side of Lower Gilmore Place and fronting the canal is the marine office for Edinburgh Quay.

The application property has a private entrance from Lower Gilmore Place. The ground floor is owned by the applicant and is used as a vehicle servicing repair and MOT garage. There is no shared or private amenity space.

Description of the Proposal

The application is for a change of use from office/storage to short term let (sui generis). The change of use will create two bedrooms, a sitting room/dining room /kitchen, office/study, utility room and bathroom. The main habitable windows face north and the two windows serving the utility and bathroom are on the west elevation of the application property. No internal or external physical changes are proposed. The applicant confirms that the short term let use has been operating since 2018. The application is therefore retrospective.

Supporting Information

Planning Statement.

Relevant Site History

10/03406/FUL
1F 22 Lower Gilmore Place
Edinburgh
EH3 9NY
Change of use from office to flat
withdrawn
28 January 2011

09/03181/FUL
1F 22 Lower Gilmore Place
Edinburgh
EH3 9NY
Change of use from office to flat
Refused
2 March 2010

Other Relevant Site History

17/04235/PPP.
Flatted residential development.
Withdrawn.

22/06109/FUL
12-18 Lower Gilmore Place.
Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking.
Refused 22.06.2023.
Appeal in progress. (Ref PPA-230-2436).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 30 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 8 September 2023

Site Notices Date(s): 5 September 2023

Number of Contributors: 4

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan.

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies 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 NPF 4. The relevant policies to be considered are:

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

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

Proposed Use

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

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

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

The non-statutory Guidance for Businesses 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 provided a planning statement which addresses the impact of the STL use on residential amenity. The statement highlights that the STL use is compatible with the bustling and noisy character of the surrounding area. It asserts that the physical relationship between the STL use, and nearest residential properties rules out disturbance as there is a buffer of gardens in between. The statement also sets out that the STL use is professionally managed, there are no known complaints, and it is a small flat with its own entrance which will not attract large groups. Finally, it states that there are no other residential properties in the building, there are no communal facilities and there are high ambient noise levels in the street.

The property is located within a mixed-use area where the operational activities from the immediate neighbouring commercial uses will result in an amenity level that is below that which would be experienced in other quieter locations within the city centre. There are residential properties in the immediate area including these directly adjacent to the application site, however, the impact of this STL use would not have a further detrimental impact on neighbouring residential amenity given the noise levels created by the uses and resultant activities that exist within the vicinity of the application property.

It is noted that the land (12-18 Lower Gilmore Place) is also the subject of an appeal to the Scottish Ministers against the refusal of planning permission to build 80 purpose-built student flats in June of this year. As stated within the Guidance for Businesses (2023) the assessment will be on the merits of any proposal against its impact on the lawful planning use of nearby properties, which in this case is commercial.

In these circumstances the impact on the residential amenity of the existing residential properties will be minimal. Consequently, the STL use is acceptable. The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

Prior to use as an STL, the property was an office used for storage space, therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

A comment has been received stating that the loss of business use should be resisted. The existing business remains operational on the ground floor. The associated business use on the first floor for offices and storage became surplus to requirements prior to 2009. Therefore, there is no net loss of business space.

Parking standards

There is no allocated car parking at the application property. The site is accessible by public transport within a 5-minute walk. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The 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).

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

Four objections received.

A summary of the representations is provided below:

material considerations

- Negative impact on housing stock. Addressed in a) above.
- Will cause traffic problems. Addressed in a) above.
- Loss of business use should be resisted. Addressed in a) above.

non-material considerations

- There are too many student flats in the area. The proposal is not for student flats.
- Project will reduce light and privacy. There is no extension proposed to the existing building.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

Reasons

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

Informatives

It should be noted that:

1. 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: 18 August 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

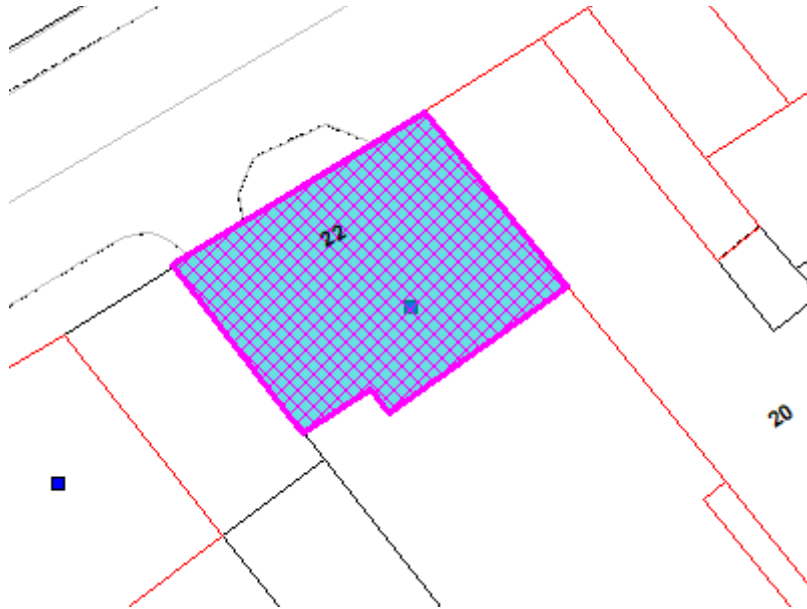
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
32A Royal Circus, Edinburgh, EH3 6SS**

Proposal: Retrospective change from residential to short-term let apartment (Sui Generis).

**Item – Committee Decision
Application Number – 23/00880/FULSTL
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 received more than twenty material representations in support and the recommendation is to refuse planning permission.

Recommendation

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

Summary

The change of use of this property to a short term let (STL) will have an adverse 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 the 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.

SECTION A – Application Background

Site Description

The application site relates to a lower-ground and sub-basement floor, two-bedroom flat at 32A Royal Circus. The dwelling forms part of a four-storey, with lower ground and basement, traditional terrace. Access to the application property is via a private front door set within the basement well and is accessed from an external stair from footpath level on Royal Circus.

Royal Circus is predominantly residential and low levels of commercial use. The property is immediately neighboured by a coffee shop to the south which is accessed from Northwest Circus Place. The other immediate neighbouring properties are all residential. Though there are elements of commercial use in the wider area, Royal Circus retains its original residential character.

The site is located within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site. The property is situated within a category 'A' Listed Building (29678), designated 14/09/1966.

Description of The Proposal

The application is for retrospective change from residential to a short-term let (Sui Generis).

Supporting Information

- Planning Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

No further relevant site history.

Pre-Application process

None.

Consultation Engagement

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 24 March 2023

Site Notices Date(s): 21 March 2023

Number of Contributors: 4

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change in the Historic Environment: 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 character appraisal states *"the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions."*

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

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

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 (2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area, and World Heritage Site

Historic Environment Scotland were consulted as the building is category A listed and made no comment on the proposals. The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a).

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

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

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

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

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

Amenity

Although the property is situated towards the southern end of the crescent, where commercial activities become present, it remains within a predominantly residential area. The application property is directly below a residential terraced town house with a coffee shop and residential uses either side. The property has access to a rear garden which is immediately overlooked by a number of neighbouring residential properties.

The use as a short term let would allow visitors to come and go from the premises for inconsistent periods of time on a regular basis throughout the year in a manner dissimilar to that of a permanent resident. A transient visitor may also have less regard for neighbours' amenity than individuals using the property as a principal home. The use as a short term let is not consistent with the existing neighbouring residential uses or the character of the immediate area.

The proposed use would increase the ambient background noise levels beyond what residents would reasonably expect within the immediate area. The increase in frequency of movement to the property at unpredictable hours would have a detrimental impact on the amenity of the immediate neighbouring properties. This effect would be increased by the external access stair situated immediately below neighbouring residential windows at 32 Royal Circus. The access to outdoor amenity space at the rear would result in a detrimental impact on neighbouring residential amenity. The application received objections from neighbours who noted that the use of the outdoor amenity space by STL users had caused disturbances at night.

The submitted planning statement refers to STL cases from 2021-22 which were either granted planning permission or where the appeal was allowed by the DPEA. These applications pre-date the adoption of NPF4. Notwithstanding this, these cases have different contexts with each application assessed on individual merit.

The proposal will have an unacceptable impact on the living conditions and amenity of nearby residents. The proposal does not comply with NPF 4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

The planning statement notes that a change of use to short term let is supported by Edinburgh's LDP paragraph 56, which states that "the strength of Edinburgh's economy is based on a range of key sectors, for example tourism, financial services, life sciences and higher education". The statement further comments that the property is situated in an area that lacks hotel accommodation and will support the local tourism economy by supplying alternative accommodation. The property operates at more than 80% occupancy annually. It is suggested that the modest scale of the property influences users to eat out, in turn supporting local businesses. Within the statement it is noted that other policy documents support the proposed STL use.

The proposal for a change of use to an STL would result in the loss of residential accommodation. As there is a recognised need and demand for housing in Edinburgh, it is important to retain the existing supply where appropriate.

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

However, having the property within residential use would also contribute to the economy, through the use of a variety of local services and employment opportunities across the City. Long term residents also have the ability to make consistent and long-term contributions to the local community.

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

Parking Standards

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

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

The following material planning considerations have been identified:

Emerging policy context

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

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.

Equalities and human rights

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

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

Public representations

The application received four representations, two objections, one general comment and a supporting petition which received thirty signatures.

material considerations

- Concerns that a change of use will have a detriment to residential amenity to the local community. This has been addressed in section c).
- Concern that access to the rear garden, which is situated below immediate neighbouring properties, could be used for parties. This has been addressed in section c).

non-material considerations

- Concerns to refuse bags being left on the pavement of Royal Circus.
- Concerns the landlord lives far from the property proposed.
- A general comment received stated that there should be relevant insurance including specifically an Elm Tree situated in the rear garden.

supporting petition

- A supporting petition received 30 signatures which states *I fully support the planning application for a permanent change of use of the property at 32A Royal Circus, Edinburgh to provide short term let visitor accommodation as it is exceptionally well-run and has never attracted any complaints from any neighbours, and supports lots of local businesses in the New Town/Stockbridge area. In the circumstances, I consider that it meets the terms of Local Development Plan policy HOU7 and policy 30 e). of National Planning Framework 4.* Within the petition were specific non-material comments from people who had stayed in the property which noted the good location, local amenities and the effective management of the short term let.

Conclusion in relation to other material considerations

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

Overall conclusion

The change of use of this property to a short term let will have an adverse 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 the 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 adverse impact on local amenity and the loss of a residential property has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 March 2023

Drawing Numbers/Scheme

01

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

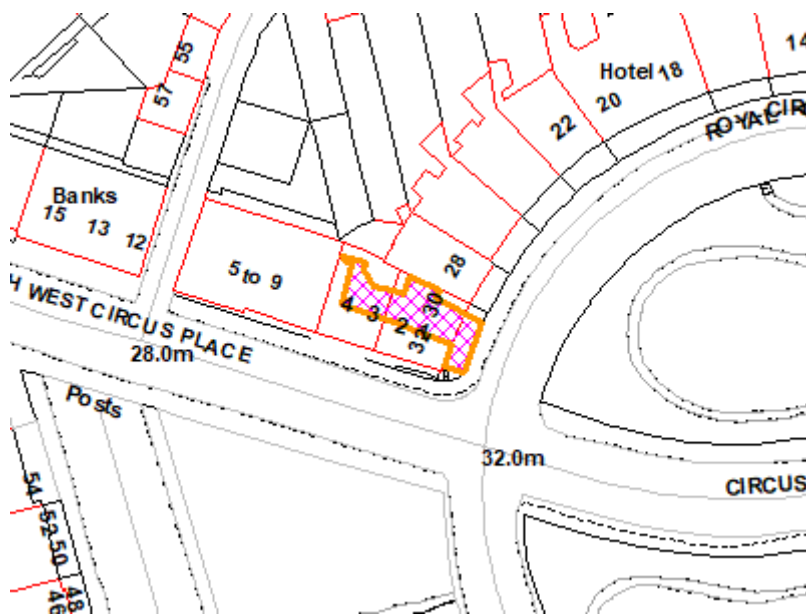
NAME: Historic Environment Scotland

COMMENT: No comments made.

DATE: 22 May 2023

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

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
34 St Stephen Street, Edinburgh, EH3 5AL**

Proposal: Change of use from twin shop unit to two short term let properties.

**Item – Committee Decision
Application Number – 23/00823/FULSTL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

Given the level of public interest in relation to the issue of short term lets, it is considered appropriate that this application be determined 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 or appearance of the conservation area.

The site is situated in a mixed-use area in immediate proximity to a number of commercial uses, including bars with nighttime activity. The proposal is acceptable with regard to amenity and the character of the area given the positioning of the STLs and the adjacent uses acting as a buffer. The proposed use is compatible with the Stockbridge Town Centre.

The proposal complies with the provisions of the National Planning Framework and the Development Plan including policy Ret 9 as the development supports the vitality and viability of the town centre, and NPF 4 policy 30 (e) as the development will not have a detrimental impact of residential amenity.

The proposal complies with the provisions of the Development Plan and there are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a vacant commercial shop unit situated on the eastern side of St Stephen Street at lower ground level and has its own access not shared with any other properties. The site forms part of a larger traditional tenement style building comprising commercial units at lower and upper ground floor levels and residential properties above on the first and second floors.

The property is category B listed (LB29748) designated on the 14/12/1970. It is situated within the New Town Conservation Area and World Heritage Site.

The site is located within the Stockbridge Town Centre as identified within the Edinburgh Local Development Plan (2016) (LDP). The surrounding area consists of commercial uses such as retail, restaurants, and bars, with residential properties predominantly at first and second floor levels.

Description of The Proposal

The application proposes to sub-divide and change the use of the property from one commercial shop unit to two short term let units. The existing windows and doors are to be replaced with timber slimline double-glazed units.

Supporting Information

- Design Statement

Relevant Site History

No relevant site history.

Other Relevant Site History

The proposal is associated with an application for a Listed Building Consent (23/00825/LBC).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 14 March 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 24 March 2023

Site Notices Date(s): 21 March 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

Impact on Listed Building

The existing windows and doors are in poor condition. The proposals include the replacement of the windows and doors with timber, slimline double-glazed units which match the existing design. The material and design are in-keeping with the listed building.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings. 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 appraisal states *"that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions."*

The replacement windows and doors are in-keeping with the character and appearance of the conservation area. The proposed use will not affect the character or appearance of the conservation area.

The proposals will preserve the character and appearance of the conservation area.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan.

The relevant NPF 4 and LDP 2016 policies to be considered are:

- NPF 4 Sustainable Places policies 1 and 7
- NPF 4 Productive Places Tourism policy 30
- LDP Housing Policy Hou 7.
- LDP Design Policy Des 12.
- LDP Transport Policies Tra 2 and Tra 3
- LDP Retail Policy Ret 9

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

The non-statutory 'Supplementary guidance for Stockbridge Town Centre' (2017) is a material consideration that are relevant when considering LDP policy Ret 9.

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

Listed Buildings, Conservation Area, and World Heritage Site

The impact of the proposals on the listed buildings and conservation area has been assessed above in section a) above. The changes proposed maintain the existing natural and built features that contribute to the character of the conservation area and world heritage site.

There will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

Design, form, and neighbourhood character

The replacement windows and doors are in-keeping with the existing building and surrounding neighbourhood. The proposal complies with LDP policy Des 12.

Proposed Use

With regards to NPF 4 Policy 1, the proposals are acceptable as it promotes the conservation and recycling of an existing asset and supports compact urban growth. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (updated 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.

Amenity

The property has its own access not shared with any other properties and is situated within a mixed-use area with both commercial and residential uses. The immediate area at lower and upper ground levels are occupied by a mix of commercial units. Adjacent to, and above the property, are two bars resulting in late night activity.

The property's location at basement level below another commercial unit attenuates noise as the upper ground floor commercial use acts as a buffer between the short term let and the residential properties above. Furthermore, there are no shared accesses or spaces with residential properties.

The property is located within an area of St Stephen Street which experiences a reasonable level of activity associated with its mixed-use commercial activity, including late night uses. The STL use in this location is compatible with the area and will not lead to further deterioration in neighbouring amenity.

The use of the property as a short term let will not have a materially detrimental effect on the living conditions of nearby residents. The proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

The proposal does not involve the loss of residential accommodation. Therefore, NPF4 Policy 30 (e) part (ii) is not applicable.

Alternative Use of Shop Units in Defined Centres

The proposed site is located within the Stockbridge Town Centre; however, it is not a primary frontage. The supplementary guidance for Stockbridge Town Centre states that alternative uses of shop units elsewhere in the town centre will be permitted provided it is an appropriate commercial, community or leisure use which would complement the character of the centre, support the main shopping function, and would not be detrimental to its vitality and viability. The change of use would result in visitor accommodation which would support the vitality and viability of the town centre.

The proposal complies with LDP policy Ret 9.

Parking Standards

Zero parking is acceptable as 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 property is located within an area of St Stephen Street which experiences a reasonable level of activity associated with its mixed-use commercial activity, including late night uses. The STL use in this location is compatible with the area and will not lead to further deterioration in neighbouring amenity.

The change of use will not significantly impact on residential amenity within the immediate area and the proposed use is compatible with character of the surrounding area and the Stockbridge Town Centre. The proposal complies with NPF 4 policy 30 (e) part (i) and LDP policy Ret 9.

The proposal complies with the provisions of the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

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

The application received one public representation objecting to the proposal.

material considerations in objection

- A change of use would lead to a loss of housing. Discussed within section c).
- A change of use would lead to detrimental effect on residential amenity. Discussed within section c).
- Objections to the detrimental impact on historical elements. Discussed within a) and b).

Conclusion in relation to other material considerations

The proposals do not raise any issues in relation to other material considerations identified 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 or appearance of the conservation area.

The site is situated in a mixed-use area in immediate proximity to a number of commercial uses, including bars with nighttime activity. The proposal is acceptable with regard to amenity and the character of the area given the positioning of the STLs and the adjacent uses acting as a buffer. The proposed use is compatible with the Stockbridge Town Centre.

The proposal complies with the provisions of the National Planning Framework and the Development Plan including policy Ret 9 as the development supports the vitality and viability of the town centre, and NPF 4 policy 30 (e) as the development will not have a detrimental impact of residential amenity.

The proposal complies with the provisions of the Development Plan and 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.
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 February 2023

Drawing Numbers/Scheme

01, 02 A - 04 A

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

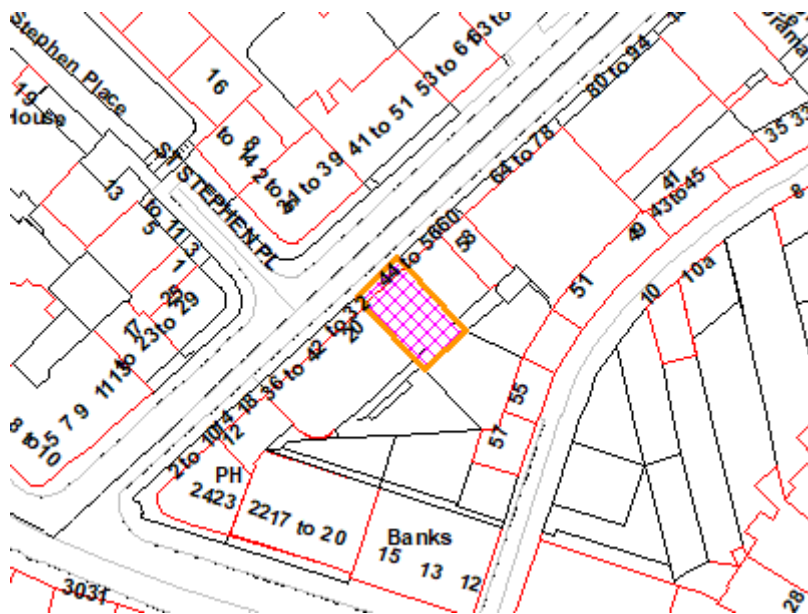
Contact: Benny Buckle, Assistant Planning Officer
E-mail: benny.buckle@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
27A Stafford Street, Edinburgh, EH3 7BJ**

Proposal: Change of use from office (Class 4) to short-term let (Sui Generis) (in retrospect).

**Item – Committee Decision
Application Number – 23/04324/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application is subject to a petition with 24 signatories in support of the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

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 result in a loss of the residential accommodation. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two-bedroom basement flat located on the northwestern side of Stafford Street. The property has its own access to the street.

Stafford Street is of mixed character featuring a number of commercial units as well as residential properties. Public Transport links are highly accessible from the site.

The application property is part of a category B listed building, 17-29 (Odd Numbers) Stafford Street, 34, 36 Alva Street, LB29829, 14/12/1970.

The application site is in the New Town Conservation Area, Edinburgh World Heritage Site and New Town Gardens and Dean Historic Garden Designed Landscape.

Description of the Proposal

The description of proposal seeks a retrospective change of use from Class 4 office to STL. As stated in the relevant site history, planning permission, and associated listed building consent were granted in July 2019 for the conversion of the office to form two residential properties, reference 19/02652/FUL and 19/02653/LBC, respectively. As stated in the supporting statement, works commenced in line with the approved applications and the conversion was completed in April 2020.

The supporting statement outlines that following completion of the works, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented by application 19/02652/FUL has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, Caledonian Terminal Investments Ltd v Edinburgh Corp [1970] S.L.T. 362 and Doonin Plant Ltd v Scottish Ministers [2011] CSOH 3, the works associated with 19/02652/FUL have progressed sufficiently that the office use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

The existing lawful use of the property is as a flatted dwelling and a change of use to short term let is proposed. For the avoidance of doubt, no internal or external physical changes are proposed.

Supporting Information

- Supporting Statement
- Applicant's Legal Advice

Relevant Site History

19/02652/FUL

27A - 29A Stafford Street

Edinburgh

EH3 7BJ

Change use from office to residential. Alterations to form two flatted dwellings.

Granted
30 July 2019

19/02653/LBC
27A - 29A Stafford Street
Edinburgh
EH3 7BJ
Alterations to form two flatted dwellings.
Granted
26 July 2019

22/04796/FUL
27A Stafford Street
Edinburgh
EH3 7BJ
Retrospective change of use from flatted dwelling to short term let.
Refused
24 March 2023

22/04798/FUL
29A Stafford Street
Edinburgh
EH3 7BJ
Retrospective change of use from a flatted dwelling to short term let.
Refused
27 March 2023

23/04327/FULSTL
29A Stafford Street
Edinburgh
EH3 7BJ
Retrospective change of use from office (Class 4) to short-term let (Sui Generis).

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 29 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 6 October 2023

Site Notices Date(s): 3 October 2023

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change in the Historic Environment: 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 Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets, and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions.

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area. Therefore, the proposal does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

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 (April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area, and Edinburgh World Heritage Site

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a). 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 proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

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

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

- The nature and character of any services provided.

Amenity

The application property has its own main door access and is located within an area of mixed character. There is a moderate to high degree of activity in the immediate vicinity of the property at any time, contributing to high ambient noise levels in the street during the day and at night.

There are residential properties on Stafford Street, however due to the character of the area being busy and of a mixed nature, the STL use will not have an unacceptable impact on neighbouring amenity or the character of the area.

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

Loss of residential accommodation

NPF4 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.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would result in a loss of residential accommodation, which as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

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.

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.

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 in objection, one comment in support, and a petition in support of the application with 24 signatures were received. A summary of the representations is provided below:

material considerations in support

Positive impact to local businesses, local economy, employment, and the tourism industry. Assessed in section c).

Appropriate location for a short term let. Assessed in section c).

Lack of impact to neighbouring amenity. Assessed in section c).

Will enable the good upkeep and maintenance of a listed building. The use of the property does not alter the maintenance obligations of the listed building's owners.

material considerations in objection

Negative impact to the local community. Assessed in section c).

non-material considerations

Reduction in business rates collected by the local authority.

Too many short term lets in the local area.

Conclusion in relation to identified material considerations.

The 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 an STL will result in a loss of the residential accommodation. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposal is contrary to National Planning Framework Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in the loss of a residential property that has not been justified.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 28 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

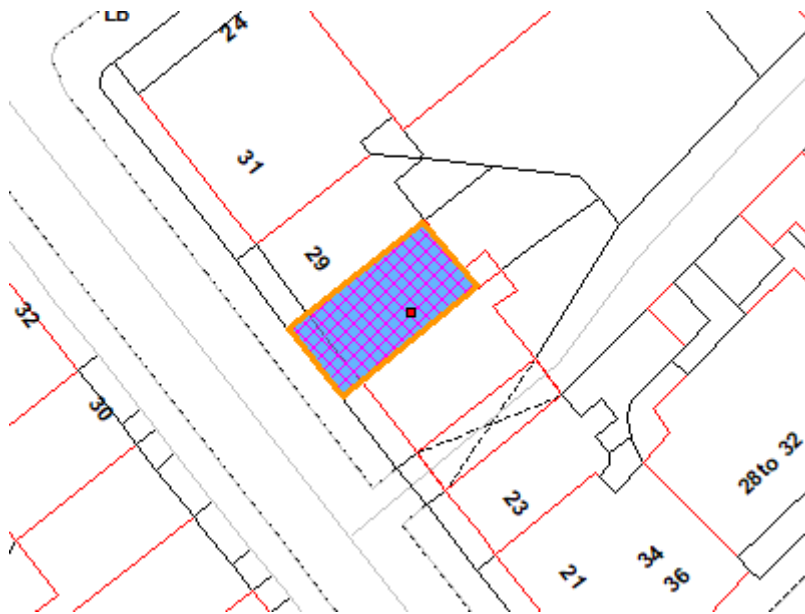
Contact: James Armstrong, Assistant Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 22 November 2023

**Application for Planning Permission STL
29A Stafford Street, Edinburgh, EH3 7BJ**

Proposal: Retrospective change of use from office (Class 4) to short-term let (Sui Generis).

**Item – Committee Decision
Application Number – 23/04327/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application is subject to a petition with 24 signatories in support of the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for refusal.

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 result in a loss of the residential accommodation. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

SECTION A – Application Background

Site Description

The application site is a two-bedroom basement flat located on the northwestern side of Stafford Street. The property has its own access to the street.

Stafford Street is of mixed character featuring a number of commercial units as well as residential properties. Public Transport links are highly accessible from the site.

The application property is part of a category B listed building, 17-29 (Odd Numbers) Stafford Street, 34, 36 Alva Street, LB29829, 14/12/1970.

The application site is in the New Town Conservation Area, Edinburgh World Heritage Site and New Town Gardens and Dean Historic Garden Designed Landscape.

Description of the Proposal

The description of proposal seeks a retrospective change of use from Class 4 office to STL. As stated in the relevant site history, planning permission, and associated listed building consent were granted in July 2019 for the conversion of the office to form two residential properties, reference 19/02652/FUL and 19/02653/LBC, respectively. As stated in the supporting statement, works commenced in line with the approved applications and the conversion was completed in April 2020.

The supporting statement outlines that following completion of the works, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented by application 19/02652/FUL has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, Caledonian Terminal Investments Ltd v Edinburgh Corp [1970] S.L.T. 362 and Doonin Plant Ltd v Scottish Ministers [2011] CSOH 3, the works associated with 19/02652/FUL have progressed sufficiently that the office use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

The existing lawful use of the property is as a flatted dwelling and a change of use to short term let is proposed. For the avoidance of doubt, no internal or external physical changes are proposed.

No internal or external physical changes are proposed.

Supporting Information

- Supporting Statement
- Applicant's Legal Advice

Relevant Site History

19/02652/FUL

27A - 29A Stafford Street

Edinburgh

EH3 7BJ

Change use from office to residential. Alterations to form two flatted dwellings.

Granted

30 July 2019

19/02653/LBC
27A - 29A Stafford Street
Edinburgh
EH3 7BJ
Alterations to form two flatted dwellings.
Granted
26 July 2019

22/04796/FUL
27A Stafford Street
Edinburgh
EH3 7BJ
Retrospective change of use from flatted dwelling to short term let.
Refused
24 March 2023

23/04324/FULSTL
27A Stafford Street
Edinburgh
EH3 7BJ
Change of use from office (Class 4) to short-term let (Sui Generis) (in retrospect).

22/04798/FUL
29A Stafford Street
Edinburgh
EH3 7BJ
Retrospective change of use from a flatted dwelling to short term let.
Refused
27 March 2023

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 25 September 2023
Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 29 September 2023
Site Notices Date(s): 26 September 2023
Number of Contributors: 5

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

As stated previously, there are no external changes proposed. The change of use will not impact on the character or appearance of the conservation area. Therefore, the proposal does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

The proposals comply with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

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

The relevant NPF4 and LDP 2016 policies to be considered are:

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- Local Development Plan Housing Policy, Hou 7.
- Local Development Plan Transport Policies, Tra 2 and Tra 3

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 (April 2023) is a material consideration that is relevant when considering LDP Policy Hou 7 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Listed Buildings, Conservation Area, and Edinburgh World Heritage Site

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a). 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 proposed change of use does not involve operational development resulting in physical changes to the property. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

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

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

- The nature and character of any services provided.

Amenity

The application property has its own main door access and is located within an area of mixed character. There is a moderate to high degree of activity in the immediate vicinity of the property at any time, contributing to high ambient noise levels in the street during the day and at night.

There are residential properties on Stafford Street, however due to the character of the area being busy and of a mixed nature, the STL use will not have an unacceptable impact on neighbouring amenity or the character of the area.

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

Loss of residential accommodation

NPF4 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.

It is important to recognise that having the property within residential use also contributes to the economy, using local services and fulfilling employment opportunities across the City. Long term residents can also make consistent and long-term contributions to the local community.

The proposed change of use would result in a loss of residential accommodation, which as there is a recognised need and demand for housing in Edinburgh, it is critical to retain the existing supply of where appropriate. In this instance, it has not been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. As such, the proposal does not comply with NPF 4 30(e) part (ii).

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.

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.

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

Three comments in objection and one comments in support of the application were received. A petition in support of the application with 24 signatories was also received. A summary of the contents of the representations is provided below:

material considerations in support

The listed building will be better maintained. Obligations regarding the maintenance of the listed building do not change should the property be in short term let use.

Positive impact to local businesses. Assessed in section c).

Positive impact to the local economy, employment, and tourist industry. Assessed in section c).

Impact to neighbouring amenity is mitigated as the property has it's own main door access to the street. Assessed in section c).

There is no loss of residential accommodation. Assessed in section c).

material considerations in objection

The area is residential and short term lets are inappropriate in residential areas. Assessed in section c).

The listed building will be insufficiently maintained. Obligations regarding the maintenance of the listed building do not change should the property be in short term let use.

- Negative Impact to the character of the Listed Building. Assessed in section a).
- Negative Impact to the character of the Conservation Area. Assessed in section b).
- Negative Impact to the local community. Assessed in section c).
- Negative impact to local businesses. Assessed in section c).
- Tourists are more likely to use a car than residents. There is little evidence to suggest this would be the case in this circumstance.

non-material considerations

Sufficient Short Term Lets in the local area already.
Tourists are better accommodated in hotels.

Conclusion in relation to identified material considerations.

The 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 an STL will result in a loss of the residential accommodation. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation. The proposal does not comply with the Development Plan policy NPF4 policy 30(e) part (ii). There are no material considerations that outweigh this conclusion. The proposal is unacceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

1. The proposal is contrary to National Planning Framework Policy 30(e) (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short term let will result in the loss of a residential property that 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: 21 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

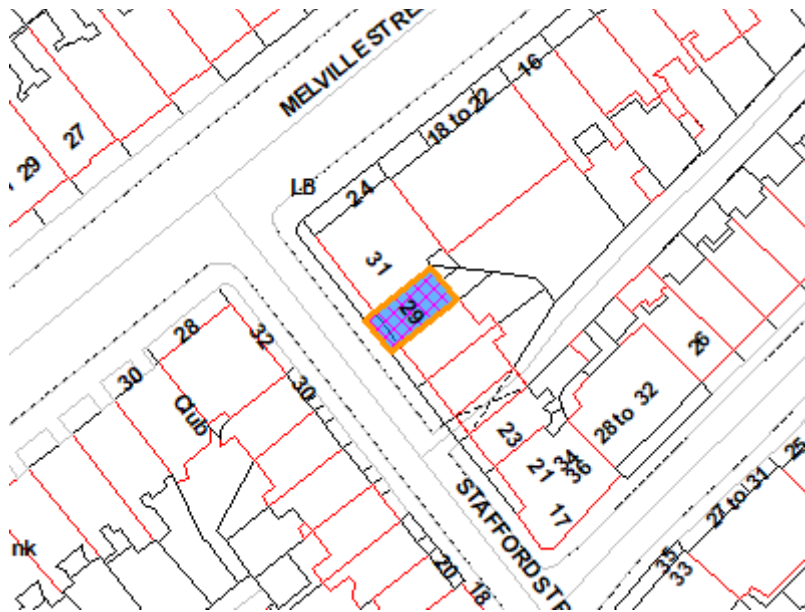
David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee

10.00am, Wednesday 22 November 2023

Protocol Note for Hearing

Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh (Skyliner/Dockside) – Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) – application no. 23/01615/FUL

Report number	6.1
Wards	13 – Leith

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

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

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

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	10.10 - 10.30
2	Representors or Consultees Leith and Newhaven Community Council (TBC) Hilary Ford	10.40 – 10.45 10.50 – 10.55
3	Ward Councillors Councillor Katrina Faccenda Councillor Adam Nols-McVey (TBC)	11.00 – 11.05 11.10 – 11.15
4	Break	11.20 – 11:30
5	Applicant and Applicant’s Agent Turley	11.35 – 11.50
6	Debate and Decision on Application by Sub-Committee	11.55

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 22 November 2023

Application for Planning Permission

land 143 metres southeast of 94 Ocean Drive, Edinburgh,

Proposal: Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL).

Item – Committee Hearing

Application Number – 23/01615/FUL

Ward – B13 - Leith

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as it falls under the definition of a National Development under NPF4 as a major application within Edinburgh Waterfront. Consequently, under Section 38A of the Town and Country Planning (Scotland) Act 1997 a predetermination hearing is required prior to determination.

Recommendation

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

Summary

The site is identified for housing led, mixed use development and high-density residential development is supported at this brownfield location through both NPF4 and the LD. The proposals will not have a negative impact on the historic environment.

The additional height of the four storeys on Block A is largely in keeping with the scale and spatial structure of the extant permission. The design and materials are appropriate for the context of the wider site. The layout provides an enhancement of the public realm, with the reduction in car parking, increased landscaping, and the introduction of the promenade. The proposed housing mix and the level of affordable housing is acceptable.

There is an infringement against open space policy due to the manner in which the block sits in the landscaped area and there are some potential infringements on daylighting on the adjacent land. Any noise implications for the site can be dealt with through conditions in a similar way to the existing permission on the site.

Other matters such as in relation to transport implications, flooding, biodiversity and sustainability are considered acceptable.

Subject to recommended conditions and a legal agreement the proposal is acceptable and broadly complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations which would indicate otherwise.

SECTION A – Application Background

Site Description

The site is vacant brownfield land approximately 0.8 hectares in size and is located on an area of land between Albert Dock to the north and Victoria Dock to the south with Ocean Drive forming the southern boundary. A replacement quay wall was constructed in early 2019. There is an extant permission for residential development in place and part of that permission is currently under construction.

To the south is residential development that is currently under construction (Waterfront Plaza). This consists of five/six storey flats and three storey colonies and townhouses. The Ocean Point office development and Ocean Terminal are located to the west.

North of the site is the wider Leith Docks industrial area; this also contains the Imperial Dock Special Protection Area (SPA) which contains a tern colony.

The tram line runs along Ocean Drive. The Local Development Plan contains a safeguard along the water's edge for the creation of a promenade.

At the western edge of the site are the B- listed harbour walls associated with entrance to Victoria Dock (listed 30 March 1994, reference LB27081).

Description of the Proposal

The proposal seeks to amend the design of Block A which was granted under planning permission 19/02778/FUL as part of a wider development of four high rise blocks (A-D) which range from 10-14 storeys and contained 338 flats and two commercial units with associated landscaping, parking and access.

The previously granted Block A was 10 storeys in height and contained 81 residential units. The revised Block A in this application contains 116 units over 14 storeys. This is an additional 35 units over the previously granted 81 units. Across the wider site the total number of units will equate to 373.

Thirty-one affordable homes are proposed within Block A with a total of 94 affordable homes created across all four blocks.

This application does not seek to alter Blocks B-D and they are excluded from the redline application boundary. However, the application boundary does contain the wider site and seeks permission to alter matters such as the access, parking and landscaping.

Block A is a large tower block designed with a simple repetitive elevational design comprising ordered fenestration and a vertical emphasis. The top of the block is terminated with a brick crown. The primary material is a cream brick. Grey metalwork is proposed for the Juliet balconies, window frames and panelling. Photovoltaic panels are proposed on the roof.

A sheltered walkway is proposed to link Block A to Block B.

The housing mix contains 13 studio flats, 63 one bedroom units, 26 two bedroom units and 14 three bedroom units.

The proposed development includes a commercial unit extending to 82 sqm. This is located on the ground floor, fronting Ocean Drive.

The remainder of the internal ground floor of Block A is taken up with an entrance area, cycle stores, bin stores, substation, and service room.

The main vehicular access is taken from the eastern end of the site and operates as a left in left out arrangement. This provides access to the car parking area. Bollards are proposed within the site and at the western entrance to stop general traffic, but to allow for waste collection and emergency vehicle access.

At the north of the building and along the dock edge a promenade is proposed with various trees and landscaping immediately adjacent to it. Planting is also proposed between Block A and B.

Vehicular car parking spaces will be limited to 18 spaces located at the north-east end of the site (two of which are located in the undercroft of Block D). Six of the spaces will include electric vehicle charging infrastructure (two of these are accessible spaces) and three are proposed to be car club spaces.

A total of 233 cycle spaces are proposed for the 116 units. These are shown as 88 two tier racks, 34 Sheffield stands and six non-standard spaces in the ground floor of Block A. The remaining spaces are located within the extant permission with Block C-D (29 in two tiers, 35 Sheffield stands and 41 non-standard spaces). Fifteen Sheffield stands are proposed within the site to accommodate 30 visitor spaces.

Previous scheme:

The previous scheme contained a different mix of units and included 123 units over 15 storeys. An alternative 'crown' roof top design was proposed alongside some undefined roof top amenity space.

Supporting Information

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

- Transport Statement
- Energy and Sustainability Statement including S1 Form
- Air Quality Assessment Screening Letter
- Drainage Strategy
- Flood Risk Assessment
- Historic Environment Desk Based Assessment
- Noise Impact Assessment
- Preliminary Ecological Assessment and BREEAM Report
- Remediation Strategy
- Supplementary Geo-Environmental Investigation Interpretative Report
- Wind Microclimate Assessment
- Daylighting and Sunlighting Assessment and update.
- Overheating Analysis
- Townscape and Visual Impact Assessment and Addendum

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

Relevant Site History

18/00186/FUL
 Land 143 Metres Southeast Of 94
 Ocean Drive
 Edinburgh

Construction of a new quay wall extension.
 Approved
 13 June 2018

19/02778/FUL
 Land 143 Metres Southeast Of 94
 Ocean Drive
 Edinburgh

Residential development of 338 flats over 4 apartment buildings with heights of 10 storeys (Building A), 14 storeys (Building B), 12 storeys (Building C) and 10 storeys (Building D) with two commercial units (Class 1,2,3 and 4), car parking and associated landscaping (as amended).
 Granted
 3 November 2020

21/05744/OBL
 Land 143 Metres Southeast Of 94
 Ocean Drive
 Edinburgh

Application under S75A for the modification of a planning obligation relating to the land 143 metres south-east of 94 Ocean Drive.
 accepted and the agreement be modified
 28 February 2022

19/02778/VARY
Land 143 Metres Southeast Of
94 Ocean Drive
Edinburgh
Non-material variation application to 19/02778/FUL.
VARIED
28 September 2022

Other Relevant Site History

Land to the south of the site at Waterfront Plaza (Cala development):

16/03684/FUL
Land 120 Metres South East Of 98
Ocean Drive
Edinburgh

Planning permission for proposed 388 residential development including affordable housing provision, landscaping and public realm, parking, access, ancillary 29 commercial/retail units and associated works (As Amended).

Granted
14 August 2018

Land at Ocean Point to the west of the site:

01/01030/FUL
Ocean Point 1
Ocean Drive

Planning permission was granted for the erection of two office buildings of nine and 11 storeys respectively, with a combined floor area of 25,000sqm. The nine storey building (Ocean Point) has been implemented.

Granted
31 October 2001

23/04069/FUL
Ocean Point 2
Land 58 Metres South Of 94 Ocean Drive
Edinburgh

Application submitted for the erection of mixed-use development comprising residential (104 units) and purpose-built student accommodation (404 beds), along with commercial uses /co-working and amenity space, landscaping, and infrastructure.
Pending Consideration

Land at Ocean Terminal to the west of the site:

22/01372/FUL
Ocean Terminal
98 Ocean Drive

Edinburgh

Part demolition of existing shopping centre, remodelling and re-facing of facade to provide reconfigured commercial units (Class 1/2/3) at ground floor level; reconfigured visitor attraction space (Class 10) and potential co-working office space (Class 4), commercial units (Class 1/2/3) and/or leisure uses (Class 11) on upper floors; relocation of access bridge to Royal Yacht Britannia; temporary landscaping on the cleared site; and associated works.

Granted

29.09.2022

22/05599/FUL

Ocean Terminal

98 Ocean Drive

Edinburgh

Application submitted for the erection of mixed-use development comprising 531 residential units and commercial uses, comprising Class 1, 2 and 3 uses, installation of padel court (Class 11), and creation of new public realm, with associated landscaping, infrastructure, and access arrangements.

Pending Consideration

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport

NatureScot

Affordable Housing

Archaeology Officer

Communities and Families

Environmental Protection

Flood Prevention.

SEPA

Scottish Water

Leith Harbour and Newhaven Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 25 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 22 September 2023/28 April 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 31

Section B - Assessment

Determining Issues

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

Managing Change - Setting

The site lies at the core of the 19th and 20th century port of Leith and overlies and contains the B-listed harbour walls for the western entrance to the mid-19th century Victoria Docks (listed 30 March 1994, reference LB27081). A previous consent has been implemented to carry out works to the dock edge.

In terms of the potential impact on Victoria Docks, the eastern part of the site at the dock entrance is being retained with landscaping, whilst the inclusion of the promenade and landscaping will reduce the impact the proposal would have on the historic character and appearance of the listed dock. There is already permission in place for the development of this site and the built form of Block A covers the same footprint with a similar resulting impact. The landscaping scheme is an enhancement over the original proposals.

Further west of the site are a number of other listed structures. These consist of:

- B-listed Leith Docks, Prince Of Wales Dry Dock, Hydraulic Station (listed 12 December 1974, reference LB27634).
- B-listed Leith Docks, Alexandra Dry Dock (listed 12 December 1974, reference LB27595).
- B-listed Leith Docks, Alexandra Dry Dock Hydraulic Station (listed 12 December 1974, reference LB27601 ; and
- A-listed Victoria Swing Bridge, Leith Dock (listed 12 December 1974, reference LB27644)

Block A is located at the west of the site at the farthest point away from the listed structures with the granted three development blocks in the intervening space. The proposed development will be visible from the views near the Victoria Swing Bridge at the edge of the inner harbour and along Ocean Drive. However, the proposed development will be experienced in the context of the granted development which will alter the setting of the listed structures.

Overall, the granted blocks are substantial developments with the proposed Block A of a similar height to Block B. The proposal will have no further detrimental impact on the setting of these structures.

Conclusion in relation to the listed building

The historical assets within the area have been assessed against the relevant legislation and guidance.

The wider site has planning permission in place for three large blocks of development to the west of the application site which are to be delivered under that previous permission. The development of this block, of a similar height, will not have an overriding impact on the setting of the adjacent listed structures.

The proposals preserve the setting of surrounding listed buildings in accordance with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

East of the site is Leith Conservation Area. The Leith Conservation Area Character Appraisal (CACA) emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The previous assessment for the granted scheme (19/02778/FUL) concluded that the proposal will not impact adversely on the Leith Conservation Area. The report noted that the site is separated from the conservation area by the Water of Leith and Victoria Dock. This area is going to contribute to a modern, vibrant part of the waterfront, distinct from historic Leith. The heritage of the area has been considered in the design by positioning the block in a north - south orientation to allow access and glimpses of the water and working dock, rather than positioning a block east-west which would be a visual barrier from Ocean Drive and preventing visual connection with the dock. The quay wall has already been strengthened by the developer and the proposed boardwalk will provide access to the edge of the dock which is not publicly available now.

The area potentially impacted upon is identified in the CACA as Old Leith and The Shore. The CACA notes that there are few long views through the area, but rather a strong sense of closure and containment. It also states that there are limited views through the bridge towards the Port of Leith. However, in some locations ships and port structures can be seen.

The submitted TVIA shows representative views from the conservation area. View 3 is from Ocean Drive, south of Alexandria Dock, by Victoria Swing Bridge and View 4 is from the north end of the Shore on the eastern side of the Water of Leith.

View 3 shows that due to the intervening built form of the granted development comprising Blocks B, C and D that the proposed additional storeys on Block A will not be visible. Therefore, there is negligible impact from this part of the conservation area.

View 4 shows that the additional height on Block A will be visible from this location. The view is between the gap of the modern development at Rennie's Isle. Due to Block A's position to the west of the extant consent, it would not readily increase the degree of change experienced through 19/02778/FUL at The Shore within the Leith Conservation Area.

The proposed use of brick as the main material continues the design ethos of the extant permission.

Overall, due to the existing permission in place, the proposal would not be perceived as being substantially different nor have a wider impact on the character and appearance of the adjacent conservation area.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2, 3, 4, 7, 9, 10, 11, 12 and 13.
- NPF4 Liveable Places policies 14, 15, 16, 18, 22 and 23.
- LDP Delivering the Strategy Policies Del 1 and Del 3.
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10 and Des 11.
- LDP Environment policies Env 16, Env 21 and Env 22.
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4 and Hou 6.
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 7 and Tra 9.
- LDP Resources and Services policy RS 6.

The non-statutory Edinburgh Design Guidance, Affordable Housing, Listed Buildings and Conservation Area Guidance and the Leith Docks Development Framework are relevant material considerations when assessing the application's compliance with the development plan.

Principle

The proposed development would normally be classed as a 'major application', but as it is located within Edinburgh Waterfront and is for new buildings for mixed use and residential development NPF4 designates it as a national development.

NPF4 states that development at Edinburgh Waterfront will include high-quality mixed-use proposals that optimise the use of the strategic asset for residential, community and commercial purpose (amongst other uses).

LDP Policy Del 3 (Edinburgh Waterfront) sets out that planning permission for development which will contribute towards the creation of new urban quarters at Leith Waterfront. It is located within the Central Leith Waterfront Area, in an area of commercial and housing-led mixed-use development (proposal EW1b).

LDP Policy Hou 1 (Housing Development) gives priority to the delivery of the housing land supply and relevant infrastructure as part of the mixed use regeneration proposals at Edinburgh Waterfront, including the area identified as EW1b. Furthermore, NPF4 Policy 16 (Quality Homes) supports development proposals for new homes allocated for housing in LDPs.

The principle of residential development accords with these policies and it has already been established through the extant permission. It is a residential led development that provides a mix of unit sizes on a longstanding regeneration site. The provision of a commercial unit on the ground floor of Block A aids in providing a mix and some activity onto Ocean Drive. The commercial unit has not been defined within the application therefore it is proposed to define this by condition to either Class 1A (Shops and financial, professional and other services), Class 3 (Food and drink) or Class 4 (Business) which are reasonable uses to expect below and in the midst of residential development.

In line with NPF4 Policy 16 (Quality Homes) a Statement of Community Benefit has been submitted. This is briefly summarised as:

- It meets local housing requirements as the site is designated for development, it provides a mix of new housing including affordable and several apartments that could be adapted to be accessible by wheelchair users.
- In terms of infrastructure and services, it notes the applicant is willing to work with the Council to agree appropriate developer contributions. The proposed development will also have economic benefits through the construction stage and future spending. A ground floor commercial unit is to be created.
- The residential amenity will be enhanced by the creation of a section of the promenade and increased greenspace and landscaping within the area. Active frontage will be created onto Ocean Drive.

Overall, the site is identified for housing led, mixed use development and residential development is supported at this location through both NPF4 and the LDP. In general, housing at this location will provide benefits. The suitability of the detailed matters such as height, design and amenity considered in later sections.

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.

Listed Buildings:

NPF4 Policy 7c) states that development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

The potential impact on any listed structures has been assessed in section a. The proposal will not have a detrimental impact on the setting of any nearby listed buildings the historic dock infrastructure is being preserved in situ and proposed landscaping grass does not infringe on the historic dock masonry. In this context the proposal also complies with LDP Policy Des 3 (Development Design - Incorporating and Enhancing.

Existing and Potential Features).

Conservation Area:

NPF4 Policy 7 d) supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

As noted above the application site is not within the conservation area. However, an assessment of the potential impact on the character and appearance of the adjacent Leith Conservation Area has been made in section b). This concluded that the proposals would preserve the character and appearance of the conservation area in the context of the extant permission.

Archaeology:

The aim of NPF 4 Policy 7 parts n) and o) is to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable.

The site was previously evaluated in 2018 by AOC Archaeology. This work complemented an earlier 2017 programme of historic building recording of the dock/harbour walls including a now demolished timber jetty. Given the results of the evaluation and the building recording the Archaeology Officer has advised that no further archaeological field work is required.

In summary, the proposals will not have a negative impact on the historic environment and comply with NPF4 Policies 7c, 7d, 7fn and 7o.

Design, Scale and Layout

Height, Scale and Massing:

LDP Policy Des 4 (Development Design - Impact on Setting) requires development to demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) states that planning permission will only be granted for development which rises above the building height prevailing generally in the surrounding area where a) a landmark is to be created that enhances the skyline and surrounding townscape and is justified by the proposed use b) the scale of the building is appropriate in its context c) there would be no adverse impact on important views of landmark buildings, the historic skyline, landscape features in the urban area or the landscape setting of the city, including the Firth of Forth.

The height of the building has been lowered by a storey to match the adjacent Block B. The site wide elevation drawings show that Block A now sits at 51.318m AOD and the adjacent Block B is 52.220m AOD at its highest point.

The design of Block A continues the pattern and scale of development established through planning application 19/02778/FUL. It is a similar style and continues the original design concept of four blocks utilising different colours/tones of brick which have been selected to complement each other.

In local views the submitted information does not indicate that the additional storeys will result in the development being perceived much differently to the extant permission.

In simple terms, the height of the building matches the general prevailing height on the site and there is general compliance with Policy Des 11 a) and b).

In relation to Des 11 c), a revised TVIA has been provided to show the potential impacts of the development from a number of viewpoints.

The main longer citywide views that need consideration are from the Castle Ramparts (TVIA View 8) (Protected View C1b), Calton Hill (TVIA View 6) and Arthur's Seat (TVIA View 7).

The protected view from the castle (TVIA View 8) looks towards Inchkeith Island. The proposal appears to sit below the existing high-rise tower block of Citadel Court and it forms part of the emerging urban character established by the other blocks on the site. The proposal would result in the loss of some visible water space, but importantly maintains an open backdrop to the Firth of Forth midway between the north breakwater and near shore of Inchkeith Island. The additional four storeys on the plot by itself would have limited impact on the World Heritage Site.

TVIA View 6 from Calton Hill shows the development continuing the urban form, allowing views across the water and over to Fife with limited impact in the context of the granted scheme and existing adjacent Ocean Point 1 office building to the west.

TVIA View 8 from Arthur's Seat shows the development again in the context of the granted development merging in with the other blocks on the wider site and also with the Ocean Point 1 office building. The scheme would not lead to any overall loss of water space and fits with the context of the site.

The TVIA does not show the full cumulative impact,. However, it does contain outlines of the proposed development at Ocean Terminal. There is a gap between the two sites and although there is some potential for cumulative impact this is lessened by the distance between the sites and the orientation of the existing office block at Ocean Point 2.

The TVIA information submitted does not contain information of the potential buildings at Ocean Point 2 (OP2), which was still at the pre-application stage when this application was submitted. A site wide section has been provided showing the proposals in the context of the adjacent site and the extant permission for the office block on the OP2 site. The extant office development on OP2 is a large building fronting onto Ocean Drive. The applicant points towards the information now submitted as part of application 23/04069/FUL for development at Ocean Point 2 as a means of understanding any potential cumulative impact. However, the potential impact of OP2 will need to be assessed separately through that planning application.

Overall, based on the information submitted the additional height of the four storeys on Block A is largely in keeping with the scale and spatial structure of the extant permission. In isolation, Block A will have an acceptable impact on the views considered in the submitted TVIA and complies with LDP Policy Des 11.

Materials and Detailing:

The block contains ordered fenestration with regular window openings. The use of whole brick reveals add depth to the façade. The use of dark grey balconies, windows and panelling keep the design simple and contemporary. The general design matches the context of the area established through the earlier permission and the use of brick on the adjacent site.

The rooftop contains a brick crown which raises the height of the building, helps define the top elements and also serves as a useful parapet to hide the lift overrun and photovoltaic array.

The covered link that joins Block A and B together is lightweight and allows for visibility through the site.

The materials and details are appropriate for the site and context set by the extant permission.

Layout:

NPF4 Policy 14 seeks to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach in order to achieve the six qualities of successful places. LDP Policy Des 1 (Design Quality and Context) encourages development that will contribute towards a sense of place and draws upon the characteristics of the surrounding areas.

Policy Des 7 (Layout Design) seeks an integrated approach to the layout of buildings and routes around them with good connectivity to local centres and public transport. Whilst LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

The application site is located within an area that contains a mix of uses and is undergoing a series of changes. The proposed development seeks to build on the layout and design already approved and under construction through planning permission 19/02778/FUL. Block A occupies the same space as the previously granted block and therefore the general design principles have already been established. The proposal to limit the western part of the site for just servicing purposes will enhance the pedestrian experience.

The proposals include a commercial unit that fronts onto Ocean Drive and helps to activate this part of the street. Elsewhere, the ground floor of Block A is largely taken up with uses such as bin stores, cycle parking, substation and stores which limits the interaction of the building with the external space. This is similar to the ground floor of the extant permission, though within the wider site, such as within Block B there are some ground floor residential uses which will provide some greater activity and overlooking when reading the site as a whole.

LDP policy Des 10 (Waterside Development) requires development of sites on the coastal edge to provide an attractive frontage to the water and maintain, provide or improve public access along the water's edge.

A positive element of the application is the reduced car parking which aids in enhancing the edge to Albert Dock Basin and avoids the visual intrusion of surface parking. The softening of the space reduces impermeable surfaces and embodied carbon with an increase in tree planting, mix of grasses, shrubs and groundcovers. The flowering lawn will add biodiversity interest to spaces for people.

The enhanced landscape strip next to the promenade will form a linear style park with secondary sheltered greenspace, a series of features for natural play, a sheltered courtyard with feature planting and outdoor gym equipment and areas for seating. The application is supported by a microclimate study which has been used to soften any potential windy areas with planting and screens.

The principle of continuing the boardwalk treatment is welcomed and meets with the requirements of Policy Des 10 by improving access to the water's edge and also Policy Tra 9 (Cycle and Footpath Network) as it implements part of a cycle/footpath safeguard. This element also meets the relevant parts of Policy Des 2 (Co-ordinated Development) which seeks to avoid piecemeal development.

Overall, the proposed layout is acceptable as it carries on the established form of development and the reduction in car parking, restriction on vehicular movements, enhanced landscaping and inclusion of the promenade are all positives over the previous scheme. The proposal generally accords with Policies Des 1, Des 2 Des 7, Des 8, Des 10, Tra 9 and NPF 4 Policy 14.

Housing Mix and Sizes:

LDP Policy Hou 2 (Housing Mix) seeks the provision of a mix of house types and sizes where practical. A mix of studio through to three bedroom units are proposed. The Edinburgh Design Guidance states that 20% of the total number of homes should be designed for growing families.

Within Block A, 14 three-bedroom units are proposed. This equates to only 12%. For comparison purposes the previously granted Block A only contained 11% three bedroomed units (9 out of the 81 units). Across the wider development the three bedroom units account for 19%, which is a very minor infringement. The Design and Access Statement identifies three apartments across each floor which could be easily adapted as wheelchair accessible apartments.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with these recommended minimum sizes, noting that as a BTR scheme there are some allowances for smaller one bedroom units.

The EDG sets out that single aspect dwellings should not make up more than 50% of the overall dwelling numbers and that developments should have north facing single aspect dwellings. Block A has 52 dual aspect units found at the corner locations; out of the 116 units this equates to 46%.

Across the overall development site 49% of the units are dual aspect, which is acceptable in the context of the EDG that indicates that as BTR development there may be some justification for a limited increase in single aspect units over the standard 50%.

Affordable Housing:

The proposed 116 units in Block A would require the delivery of 29 affordable units. The total number of units across the wider site will increase to 373 units resulting in the requirement of 93 onsite affordable homes in total to meet the 25% affordable housing requirement of LDP Policy Hou 6 (Affordable Housing).

The applicant has advised that the proposal will deliver 31 affordable homes within Block A, and 94 affordable homes total across all four blocks.

The affordable housing proposed is intermediate rent as per the existing planning permission with the units to be pepper potted throughout the development. It offers a representative mix of one, two and three bedroom apartments. Additional services such as a gym, residents lounge and concierge are provided for all tenants.

Housing Strategy and Development (Affordable Housing) notes that the affordable homes can be delivered without grant subsidy and the grant freed up by BTR can be channelled into delivery of social rented homes.

Subject to a suitable legal agreement the proposals for affordable housing accord with LDP Policy Hou 6.

Density:

LDP Policy Hou 4 (Housing Density) states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

A density measurement cannot easily be taken in isolation for this application. Across the wider site the density is 373 dwellings per hectare.

Although this is a high figure, density of this scale was envisaged in the Leith Docks Development Framework (2005). This is a brownfield site at the waterfront that has been designated for development. NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) supports development proposals that will result in the sustainable reuse of brownfield land. The location near to services and the tram line supports high density living at this location and supports the concept of 20 minute neighbourhoods.

Overall, the design, scale and layout are acceptable. The height and materials proposed are acceptable for the locality in line with Policy Des 4 (Development Design - Impact on Setting) and the modest increase in height in the context of the wider granted development meets the requirements of Des 11 (Tall Buildings - Skyline and Key Views).

The design and layout of the proposals complies with NPF4 Policy 14, LDP Policies Des 1 (Design Quality and Context), Des 2 (Co-ordinated Development) in the context of the promenade, Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design), Des 10 (Waterside Development) and Tra 9 (Cycle and Footpath Network) and meets the development principles set out in the LDP for the site.

The proposal provides an acceptable housing mix when considered across the wider site largely meeting the requirements of Policy Hou 2 (Housing Mix), and high-density development is supported on a brownfield site at this location in line with Policy Hou 4 (Housing Density). The proposal is acceptable in relation to the level of affordable housing proposed.

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. LDP Policy Des 5 (Development Design - Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity.

Open Space:

LDP Policy Hou 3 (Private Green Space in Housing Developments) requires development to make adequate provision for green space to meet the needs of future residents. In flatted developments it is expected that communal provision will be based on a standard of 10 sqm per flat and a minimum of 20% of the total site area should be useable greenspace.

The 116 units would require 1,160 sqm and over the full site for 373 units 3,730sqm is required.

The development includes areas of landscaping between the blocks and along the water's edge. Future occupiers will benefit from private communal space at the podium level between blocks C and D alongside a communal roof terrace located on top of block B. This equates to 709 sqm of open space.

Due to the design of the proposal, there is no private communal open space at the ground floor level. This application continues the design concept of the earlier permission. The landscaping proposals are an enhancement over the previous scheme by removing car parking spaces and providing additional open space next to the proposed promenade area. The area of external ground floor open space is 2,992 sqm. Adding the roof terrace space equates to is 3,701 sqm. This is slightly less than the 10 sqm required by Policy Hou 3.

As assessed in the section covering layout above, the landscaping provides a variety of spaces and uses. Including play, outside gym, seating and various areas of planting.

Overall, 35% of the site is open space when taking the wider site area of 10,565 sqm. The granted scheme only provides 19% of the site as open space and therefore this can be seen as a marked improvement.

The overshadowing information provided splits the landscaping into 22 notional garden spaces and considers daylighting in the context of all four tower blocks, not just the additional height proposed in this application. It indicates that all the spaces meet the EDG requirements for overshadowing on the spring equinox. The orientation of the blocks and the location to the north of the Waterfront Plaza development means that the sun path analysis shows limited impact on the neighbouring properties.

Representations have raised the issue of the lack of larger areas of open space within the area, making reference to Open Space Strategy (OSS) and the aspiration that households should be within 800m of a large open space of over 2 hectares. Given the extant permission in place and the marked improvement in open space over the previous application, it is not feasible that this one hectare site could provide that level of open space suggested in the OSS. It is noted that Leith Docks Development Framework shows public space / park on the area currently occupied by the Scottish Government car park.

The open space arrangement follows that set by the earlier permission and although private terraced areas are provided it does not provide sufficient private communal space when measured against LDP Policy Hou 3. However, the site does provide a larger percentage of open space when measured against the existing permission with the landscaping providing a number of features for residents to use. In this context the proposed open space is considered acceptable.

Daylighting

The daylighting study uses the Vertical Sky Component (VSC) methodology to demonstrate the impact of the increased height on the flatted Cala blocks. There is a gable end of the nearest Cala colony style block that is closest to Block A. These windows are shown to not meet the VSC test. However, these are side windows that relate to either a lounge or a kitchen/living room that have other larger window/doors on other elevations.

The impact on the additional proposed storeys on Block A itself and also the adjacent Block B have also been assessed. The 'no skyline approach' was undertaken, and it identified that there are first floor rooms which fail within the two blocks. The Average Daylight Factor was then undertaken on these rooms, with the results showing that the rooms passed. This indicates that the rooms in the floors above would also then pass.

LDP Policy Des 2 (Co-ordinated Development) sets out that planning permission will be granted for development which will not compromise the effective development of adjacent land.

The submitted daylighting study does not go into detail of the potential impacts on the adjacent Ocean Point 2 (OP 2) site. However, it does state that some shading was experienced to some of the notional massing for the proposed 'future' OP 2 site. However, based on the assessment of dwellings in the tower-blocks, it expects this development to still pass an average daylight calculation should it be undertaken in future. It is a reasonable assumption, given that Blocks A and B both provide adequate daylighting to one another.

In summary, the proposed development will not have an overriding impact on the daylighting afforded to existing development on the adjacent Cala site and the impact from and on Block B is also acceptable. Limited information has been provided by the applicant on the potential impact of the proposed development on the adjacent Ocean Point 2 site, the submitted report indicates that it should pass a future assessment.

Information has been submitted for the planning application for Ocean Point 2, which is still under consideration. This indicates that there will potentially be some impact on daylighting of both Block A and the adjacent proposed student block causing friction with Policy Des 2 (Co-ordinated Development). However, some infringement of daylighting standards is largely expected on urban development sites. Nevertheless, some infringement of daylighting standards is largely expected on urban development sites.

Privacy distances:

The proposal affords decent privacy distances. The distance between Block A and Block B will be between 17 and 18 metres. The nearest dwelling on the adjacent Waterfront Plaza site is approximately 25 metres away. Block A is approximately 8 metres away from the western boundary providing opportunities for that site to be developed in the future. The submitted application for the Ocean Point 2 site shows a distance of approximately 17m. The submitted application for the Ocean Point 2 site shows a distance of approximately 17m between Block A and the proposed student block.

Noise

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

A Noise Impact Assessment (NIA) has been provided in support of the application which considers noise from the port, surrounding commercial operations and road traffic noise.

Environmental Protection has previously raised concerns regarding noise affecting previously proposed residential developments. Though residential-led schemes have still been granted or 'minded to grant' on the site.

Environmental Protection consider that all noise sources are unlikely to have been adequately considered or measured albeit mitigation in the form of upgraded glazing and ventilation has been recommended to deal with all external noise sources.

The main noise issue is from the adjacent port and commercial activities. Noise from the port has the potential to adversely affect residential amenity, particularly from shipping operations at night

The NIA demonstrates that rooms with windows on the most exposed elevation would not comply with the recommended internal noise criteria allowing for the open windows. The applicants have suggested mitigation in the form of acoustic glazing and ventilation. However, Environmental Protection requires internal measures to be achieved with open windows when the source of the noise is from industrial port operations.

In previous applications for this site and other adjacent sites, mitigation measures have been agreed with acoustic glazing specifications. A number of noise conditions have been suggested by Environmental Protection (if the application is granted) to attached to the permission.

A ground floor commercial unit is proposed but no use class has been specified. To ensure that any potential noise and cooking odours are adequately addressed Environmental Protection has recommended conditions to deal with these matters prior to occupation of the building.

In summary, Environmental Protection recommend that the application be refused with particular concern relating to the potential for port noise to impact upon the proposed residential properties. However, the principle of housing development is supported by the LDP and there is an existing permission in place on the site with this application adding an additional four storeys in the same location. A number of conditions have been recommended to help mitigate some of the concerns.

Odour:

The Port of Leith distillery is located to the north-west of the site. It is understood that the distillery will discharge emissions from a single vertical flue with a termination point at 39.75m above ground level, which will contribute to effective dilution and dispersion of emissions alongside the prevailing winds.

Responsibility for odour lies with the operator of the distillery and any environmental licences/legislation that it needs to adhere to. Furthermore, the site is separated from the distillery by other developments both proposed and existing.

Air quality:

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) ensures that applications are assessed to ensure that development does not adversely affect air quality in identified Air Quality Management Areas (AQMAs).

The site is near to two AQMAs centred around Great Junction Street to the south and Salamander Street to the east.

A scoping statement was provided in support of the application noting that air quality has further improved in the area since the previous study was carried out for the previous application. Environmental Protection note that although it contains limited information previous applications provide useful information relevant to the site.

In terms of the operational stage of the development the car parking is proposed to be reduced to 18 spaces from 71 with six of these including EV charging points. Likewise, a number of sustainable measures have been included within the development including air source heat pumps and photovoltaics. These elements are viewed as an improvement on developments previously granted for this site, but there are now more residential units proposed.

Dust from surrounding commercial operations have also been considered. The supporting information concludes that there is unlikely to be concerns relating to dust from port activities with previous survey work showing that levels of PM10 were below the Scottish Government's objective for annual mean exposure.

Environmental Protection has advised that dust can cause a nuisance on occasion generated by the off-loading of aggregates from vessels at the Port but has stated that the cement batching plants in the port are regulated by SEPA under the Pollution Prevention and Control regime (PPC).

A financial contribution towards the cost of the monitoring hardware, maintenance and servicing has also been suggested by Environmental Protection but this is not reasonable as it is not concluded to be necessary to mitigate the impact of development and there are no identified costs associated with this.

The principle of housing on this site is supported by the LDP and the measures in place proposed through this application including the much lower levels of car parking are considered to be an enhancement over the previous proposal.

In summary, there is an infringement against Policy Hou 3 (Private Green Space in Housing Development) due to the way in which the blocks sit in the landscaped area. In terms of amenity the proposal largely complies with NPF4 Policy 23 and LDP Policy Des 5 (Development Design - Amenity) and there are some potential infringements on daylighting on the adjacent land. Environmental Protection has raised concerns with regards to some amenity aspects of the development, largely in relation to noise. It would be unreasonable to refuse an application at this location on noise grounds given the previous permission in place and a number of conditions have been recommended.

Transport and Servicing

Transportation information was submitted as part of the application which provides an assessment of the transport considerations associated with the development.

Access:

NPF4 Policy 13 (Sustainable Transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities including matters such as safe walking and cycle connections, access to public transport and safe, secure and conveniently located cycle parking. NPF4 Policy 14 (Liveable Places) promotes the six qualities of successful places, which includes designing for pedestrian experience to deliver 'connected' places.

The vehicular access points to the site are retained in a similar position as previously granted. However, due to changes to the landscaping and car parking there is no longer a fully linked and open vehicular route through the site.

The main vehicular access is taken from the eastern end of the site and operates as a left in left out arrangement. This provided access to the car parking area. Bollards are proposed within the site and at the western entrance to stop general traffic, but to allow for waste collection and emergency vehicle access. Transport has not raised any objections to this approach and the use of bollards will remove vehicle movements through the site.

The site is within an accessible location and served by five bus services from the stops at Ocean Terminal (Numbers 10, 34, 35, 36 and 200 Skylink) and it is in close proximity to the tram stop. It is also located close to the services at Ocean Terminal and the emerging uses within the ground floor units of the nearby Waterfront Plaza development.

The site is nearby to National Cycle Route (NCR) 75 which runs into the city centre and also connects to NCR 1 which runs through to East Lothian. To the south west of Ocean Terminal there is also the Ferry Road Cycle Path (Quiet Route 14) which leads west.

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) seeks to protect safeguarded transport routes which includes the cycle / footpath at the north of this site and the proposed tram along the southern boundary of the site.

The proposal includes the extension of the boardwalk, and it has been designed to enable links with the adjacent site should a development proposal come forward in the future. This will open up access to the water's edge. A condition of the planning application will ensure the timely delivery of the boardwalk and associated landscaping.

The internal loop road has been designed to remove any servicing requirements away from Ocean Drive to eliminate conflict with the operation of the proposed tram. The design and layout of the development will not impact on the tram line which has now been delivered at this location in accordance with LDP policy Tra 7.

The proposed access arrangements are acceptable, and the proposal will not impact on the transport safeguards identified in the LDP.

Parking:

LDP Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. Tra 4 (Design of Off-Street Car and Cycle Parking) sets out parking design considerations.

Car parking spaces will be limited to 18 spaces located at the north-east end of the site (two of which are located in the undercroft of Block D). Six of the spaces will include electric vehicle charging infrastructure (two of these are accessible spaces) and three are proposed to be car club spaces. This aligns with the Council's parking standards.

The reduction in car parking over the original scheme (which contains 71 spaces) is generally supported in this location near to public transport choices and frees up space for landscaping. The low levels of parking proposed, and accessible nature of the site, ensure that the proposal complies with Policy 13 of NPF4.

Cycle parking

A total of 233 cycle spaces are proposed for the 116 units. These are shown as 88 two tier racks, 34 Sheffield stands and six non-standard spaces within the ground floor of Block A. The remaining spaces are located within the extant permission with Block C-D (29 in two tiers, 35 Sheffield stands and 41 non-standard spaces). Fifteen Sheffield stands are proposed within the site to accommodate 30 visitor spaces.

The numbers meet the Council's guidance in numerical terms with 117 two-tier racks accounting for just over 50%. The bike stores take up a large percentage of the ground floor space of Block A and spreading the rest over the other blocks, which share amenity space is considered acceptable in this instance.

The Roads Authority does not object to the proposal. Overall, the transport implications for the site are acceptable. The low level of car parking is supported at this location and is in line with the parking stands and the cycle parking is acceptable in numerical terms.

Flooding and Drainage

NPF4 Policy 10 (Coastal Development) sets out that proposals in developed coastal areas will only be supported where it does not result in the need for further coastal protection measures taking into account matters such as sea level change and coastal erosion alongside the need to take into account projected climate change.

NPF4 Policy 22 (Flood risk and water management) states that proposals at risk of flooding or in a flood risk area will only be supported if they are for, amongst other matters, for the redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long term safety and resilience can be secured in accordance with relevant SEPA advice.

LDP Policy Env 21 (Flood Prevention) seeks to ensure that development does not result in increased flood risk for the site being development or elsewhere.

The site is within an area where development is supported and already benefits from an extant permission.

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. Additional flood protection measures are not required.

SEPA has no objection to this application on flood risk grounds, noting that residential use is not proposed on the ground floor. SEPA also comment that the information provided shows there is access/egress available to Ocean Drive which has existing ground levels above the 200 year plus Climate Change level including freeboard allowance.

The proposal causes no flood risk to the surrounding area, and Scottish Water does not object to the proposal. The proposal complies with NPF policies 10 and 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

To the north of the site is the Imperial Dock Lock, Leith Special Protection Area (SPA).

NPF4 Policy 4 (Natural Places) seeks the protection of such natural assets and states that development proposals which will have an unacceptable impact on the natural environment will not be supported.

NatureScot has commented that the distance from the SPA is sufficiently far that overshadowing is unlikely to be an issue and it concludes that there will be no likely significant effects from the proposal. Consequently, the proposal accords with NPF4 Policy 4.

LDP Policy Env 16 (Species Protection) states that development will not be permitted which will be detrimental to the maintenance of protected species.

A Preliminary Ecology Appraisal (PEA) has been carried out and submitted in support of the application. This summarises that there is limited habitat located on the site with limited potential for protected species such as bats, badgers, reptiles and amphibians or nesting birds.

An Otter Licence was granted for the completion of quay wall repairs granted under a separate permission and an otter box was provided as an alternative rest area and a species protection plan produced. The PEA states that the site itself has limited potential for otters due to the lack of suitable resting up and foraging habitat. No signs of otter presence were noted during the survey, however, the interior of an otter box (located to the eastern harbour wall at the site) could not be viewed. It is recommended that the otter box and site should continue to be inspected regularly for field signs and if any signs are detected, advice from an ecologist should be taken. An informative has been added to ensure this.

The proposal accords with LDP Policy Env 16 (Species Protection). It also demonstrates that an understanding of the local characteristics of the area prior to development have been taken into account in line with NPF4 Policy 3 (Biodiversity).

The PEA also sets out potential recommendations and enhancements including landscaping plans to enhance the biodiversity value of the site, removal of non-native species, installation of bat boxes and sensitive lighting, bird boxes alongside general good working practices. Provided that these measures are carried out, then the proposals broadly comply with NPF4 Policy 3 which seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Overall, there are no overriding concerns in relation to the SPA or protected species in or around the site.

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 (Climate mitigation and adaptation) is also relevant.

The application site is a longstanding vacant brownfield site within Edinburgh's urban area made up of 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 housing.

An Energy and Sustainability Statement and S1 sustainability form have been submitted. The proposal meets the essential criteria of the sustainability form. The submitted energy strategy sets out that air source heat pumps (ASHP) will be used to provide low carbon domestic hot water to the units and photovoltaic panels are proposed on the roof. NPF 4 Policy 11 a) (Energy) provides support for development proposal for all forms of renewable technologies at a small scale.

The proposal complies with the aims of NPF 4 and detailed building design methods will be subject to Scottish Building Standards

Waste:

NPF 4 Policy 12 (Zero Waste) seeks to reduce, reuse or recycle materials in line with the waste hierarchy. Bin stores are located within the ground floor of Block A as well as within the other blocks and are split into sections for recycling and also residual waste. Previous waste management details are in place for the wider site and the applicant is in discussion with Waste Services regarding the detail of Block A.

Swept path analysis has been undertaken to show access for a 12m long refuse vehicle.

Infrastructure First

NPF 4 Policy 18 (Infrastructure First) supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Transport:

The Roads Authority has advised that in line with the existing legal agreement that covers the site, the applicant will be required to contribute the sum of £1,892.21 per unit towards transport infrastructure and £1,456.93 per unit to the Edinburgh tram.

The legal agreement attached to 19/02778/FUL, aside from a tram contribution, covered a transport contribution towards the identified actions of the Ocean Drive Eastwards Extension, Water of Leith Cycle Route (Commercial Street to Warriston) and the Victoria Quay to Water of Leith Cycle Route.

However, since the original application and legal agreement was negotiated, an application to modify the legal agreement was submitted (application number 21/05744/OBL). This sought to remove the contribution towards the Ocean Drive Eastward Extension. This was agreed, resulting in a new per unit contribution figure of £136.21 towards the cycle route actions mentioned above.

This figure is sought in this instance.

Education Infrastructure:

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

Communities and Families has advised that a per flat rate of £10,876 (index linked) based on £5,962 per flat towards primary infrastructure at Victoria Primary School and £4,914 per flat towards secondary infrastructure at Trinity Academy. A cost of £325 per flat towards land contributions is also required.

The per unit rate excludes studio and one bedroom flats and applies to the additional 13 two and three bedroom units created as part of this proposal.

Healthcare:

The site is located within the Leith Waterfront Healthcare Contribution Zone which requires a contribution of £945 per residential unit.

Affordable Housing:

As considered earlier in the report, Affordable Housing will account for 25% of the new homes and will be provided on site.

The above matters will be secured by a legal agreement.

Conclusion in relation to the Development Plan

The site is identified for housing led, mixed use development and high-density residential development is supported at this brownfield location through both NPF4 and the LDP. The proposals will not have a negative impact on the historic environment.

The additional height of the four storeys on Block A is largely in keeping with the scale and spatial structure of the extant permission. The design and materials are appropriate for the context of the wider site. The layout provides an enhancement of the public realm, with the reduction in car parking, increased landscaping and the introduction of the promenade. The proposal housing mix and the level of affordable housing proposed.

There is an infringement against open space policy due to the manner in which the block sits in the landscaped area and there are some potential infringements on daylighting on the adjacent land. Any noise implications for the site can be dealt with through conditions in a similar way to the existing permission on the site.

Other matters such as in relation to transport implications, flooding, biodiversity and sustainability are considered acceptable.

Subject to recommended conditions and a legal agreement the proposal is acceptable and broadly complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance.

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

Scheme 1

Scheme 1 attracted 23 representations in total, 21 objecting and 2 supporting. A summary is provided below:

Objections

Principle:

- proposal not aimed at supporting good quality affordable rented accommodation assessed in section c).

Design:

- overdevelopment in an overpopulated area - assessed in section c).
- density too high and not characteristic of the area - assessed in section c).
- granted development already too high, this exacerbates it. - assessed in section c).
- excessive height has not been justified - assessed in section c).
- intended height of the development would have a negative impact on the character and heritage of this historic and vibrant neighbourhood - assessed in sections a,b and c).
- damaging to the visual amenity of the area - assessed in section c).

- the height and mass of Ocean Terminal and the black box distillery have been exaggerated in the documentation - height assessed in section c), amended information clarified heights.
- proposals do not take into account height/context of surrounding developments - assessed in section c).
- TVIA does not appear to be an honest representation of height. 15 storeys does not look taller than existing 10 storey existing Ocean Point building - height assessed in section c), amended information clarified heights.
- impact on views - assessed in section c).
- no nearby viewpoint has been included that provides a local view looking north from e.g. from the Scottish Government build or from Waterfront Plaza, where the vast majority of the Notified Neighbours reside - not a protected view, sufficient information provided to assesses application.
- no architectural merit, very uninspired shapes, designs, cladding, windows etc - assessed in section c).
- provides a gigantic physical and visual barricade - assessed in section c).
- closing of space between block A and B means there are no longer sight lines through the site - assessed in section c).

Amenity:

- lack of accommodation for the elderly and disabled - - assessed in section c).
- housing mix provides an over provision of studio and 1 bedroom units for Block A assessed in section c).
- wind conditions and wind tunnelling effect - assessed in section c).
- impacts on sunlight and daylight for adjacent Cala development, including commercial units - assessed in section c). Commercial units generally not protected.
- overshadowing of spaces - assessed in section c).
- lack of greenspace in the area and conflicts with CEC open space strategy - assessed in section c).
- lack of play areas - assessed in section c).
- impacts on air pollution - assessed in section c).

Transport:

- fails to comply with 20-minute neighbourhood idea - assessed in section c).
- lack of car parking proposed and potential for overspill - assessed in section c).
- lack of drop off space for deliveries or tradesmen - assessed in section c).
- bollards do not usually work - assessed in section c).
- traffic congestion - assessed in section c).
- traffic safety - assessed in section c).
- conflict between tram and cyclists - transport matters assessed in section c).

Heritage:

- impact on views from the Shore conservation area - assessed in sections b and c).
- impact on setting of listed buildings/structures - assessed in sections a and c).

Infrastructure

- lack of services/amenities in the area - assessed in section c).
- impact on public services in the area - doctors, schools etc - assessed in section c)

Flooding

- SUDs feature not properly development and do not take into account localised flooding - assessed in section c)

Ground Conditions

- ground conditions given previous use of the site - condition added.

Other

- Neighbour notification issues - statutory minimum carried out

Support

- beneficial opportunity for more housing in the area and supports local services - noted
- general support for the proposal - noted
- improved access to water's edge and associated landscape - noted
- substantial bike storage to reduce reliance on private cars - noted

Non-material

- motivations of developer
- no Scottish connection from the development team
- re-naming of development
- commercial concerns

Scheme 2

A further eight objections were received:

Objections

Design:

- overdevelopment/overcrowding - assessed in section c)
- height and design out of keeping with local vernacular - assessed in section c)
- height of development - assessed in section c)
- density too high - assessed in section c)
- poor, unattractive design reminiscent of 1960s architecture - assessed in section c)

Amenity:

- wind tunnelling - microclimate assessment provided, assessed in section c)
- noise impacts - assessed in section c)
- impact on daylighting - assessed in section c)
- lack of greenspace in the area and conflicts with CEC open space strategy - assessed in section c)
- lack of amenity space for residents - assessed in section c)

Infrastructure:

- lack of infrastructure - education, healthcare etc - assessed in section c)

Transport:

- lack of carparking proposed and potential for overspill - assessed in section c)
- traffic congestion - assessed in section c)
- EV charging points required - assessed in section c)

Non-material

- construction stage matters
- past construction work
- property values

Conclusion in relation to identified material considerations

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

OVERALL CONCLUSION

The site is identified for housing led, mixed use development and high-density residential development is supported at this brownfield location through both NPF4 and the LDP. The proposals will not have a negative impact on the historic environment.

The additional height of the four storeys on Block A is largely in keeping with the scale and spatial structure of the extant permission. The design and materials are appropriate for the context of the wider site. The layout provides an enhancement of the public realm, with the reduction in car parking, increased landscaping and the introduction of the promenade. The proposed housing mix and the level of affordable housing is acceptable.

There is an infringement against open space policy due to the manner in which the block sits in the landscaped area and there are some potential infringements on daylighting on the adjacent land. Any noise implications for the site can be dealt with through conditions in a similar way to the existing permission on the site.

Other matters such as in relation to transport implications, flooding, biodiversity and sustainability are considered acceptable.

Subject to recommended conditions and a legal agreement the proposal is acceptable and broadly complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations which would indicate otherwise.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
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. The finished floor levels should be set no lower than 5.95m AOD.
4. The development shall be carried out in accordance with the approved landscaping scheme and fully implemented within six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
5. Notwithstanding the provisions of the Use Classes Order, the ground floor commercial unit shall be restricted to Class 1A (Shops and financial, professional and other services), Class 3 (Food and drink) or Class 4 (Business). Note Any consented Use Class 4 to be restricted to Use Class 4 only with no permitted change to Use Class 6.
6. Prior to the ground floor commercial unit being taken up for Class 3 use, details of any extract flue and ventilation system, capable of 30 air changes per hour, and terminating at roof levels shall be submitted and approved by the Planning Authority and thereafter implemented.

7. The six electric car parking spaces shown on drawing 220177-3DR-ZZ-00-DR-A-08002 P2 dated 03/07/23 (CEC DWG REF 03A) shall be served by at least a 13-amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets and shall be installed and operational in full prior to the development being occupied. The remaining 12 car parking spaces should be electric vehicle enabled with underground ducting to allow future overground installations to be erected prior to start of the development being occupied.
8. Prior to the occupation of the building, the approved works to create the Boardwalk shall be fully implemented
9. The specifications for glazing and ventilation will be implemented in accordance with the recommendations of the Apex Acoustics noise impact assessment referenced 8470.9 Rev C and dated 31st March 2023 and shown in drawing referenced 009110-3DR-01-01-DR-A-20001 Rev PO3 and dated 23/3/22
10. Prior to occupation of the development, details demonstrating that noise from all external plant (including commercial cooking ventilation system if required) complies with NR25 within the nearest residential property shall be submitted for written approval by the Head of Planning.
11. Prior to the occupation of the ground floor commercial unit, details demonstrating that noise from the unit will be inaudible (NR15) within all surrounding residential properties or as otherwise agreed. Details should include separating wall and floor specifications. Such details should be installed prior to start of operations on site.
12. Prior to occupation of the development, details demonstrating that noise from all internal plant (including internal ventilation system) complies with NR15 within the habitable rooms (bedroom/living-rooms) in the residential properties or as otherwise agreed shall be submitted for written approval by the Planning Authority.

Reasons

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To mitigate against risk of flooding
4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
6. In order to protect the amenity of the occupiers of the development.

7. To encourage sustainable transport.
8. To ensure the delivery of the boardwalk.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

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

Affordable Housing:

Affordable Housing will account for 25% of the new homes and will be provided on site.

Transport:

Contribute the sum of £1892.21 per unit towards transport infrastructure and £1,456.93 per unit to the Edinburgh tram.

Education:

Contribute a per flat rate of £10,876 (index linked) based on £5,962 per flat towards primary infrastructure at Victoria Primary School and £4,914 per flat towards secondary infrastructure at Trinity Academy for all two bedroom flats or above. A cost of £325 per flat towards land contributions is also required. This uplifted contribution figure is limited to the additional 13 two/three bedroom flats.

Healthcare:

£945 per residential unit towards the Leith Waterfront Healthcare Contribution Zone.

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

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

4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
5. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance
6. The otter box and site should be inspected regularly for field signs. If field signs are detected, then advice from an experienced and competent ecologist should be taken. A box check should be undertaken prior to ground works commencing.

7. TRAMS - Important Note:

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

8. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

9. For the avoidance of doubt, the area to the rear (north) of the proposed development is considered to be private and not subject to road construction consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 12 April 2023

Drawing Numbers/Scheme

01A, 02, 03A, 04A, 06A, 07, 08A, 09A, 11B, 12B, 13B, 14B, 15

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail: kenneth.bowes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport

COMMENT: No objection subject to conditions and informatives.

DATE: 30 June 2023

NAME: NatureScot

COMMENT: The site is within proximity to Imperial Dock Lock, Leith SPA. As the distance from the SPA is sufficiently far overshadowing is unlikely to be an issue. Therefore we have no further comment to make in relation to the SPA. Reference made to other general guidance.

DATE: 12 May 2023

NAME: Affordable Housing

COMMENT: The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:

DATE: 4 August 2023

NAME: Archaeology Officer

COMMENT: Given the results of the evaluation and the building recording it is envisaged that no further archaeological field work is required. The subsequent detailed plan of landscaping adjacent to the historic B-listed Victoria Dock addresses the main concern relating to historic dock infrastructure .

DATE: 27 April 2023

NAME: Communities and Families

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

DATE: 9 August 2023

NAME: Environmental Protection

COMMENT: Recommend that the application be refused with particular concern relating to the potential for port noise to impact upon the proposed residential properties. Concerns also remain in relation to dust and odours impacting the proposed development. However, if the application is consented, then Environmental Protection recommend a number of conditions.

DATE: 28 July 2023

NAME: Flood Prevention.

COMMENT: This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 18 July 2023

NAME: SEPA

COMMENT: We have no objection to this application on flood risk grounds.

DATE: 16 May 2023

NAME: Scottish Water

COMMENT: No objection to this planning application. Further notes for applicant

included in the response.

DATE: 27 April 2023

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Object to the application, key points include:

- Additional height detracting from the appearance of the area including conservation area.
- Design.
- Density.
- Housing mix and approach to affordable housing.
- Provision for disabled and elderly.
- No provision for building an intergenerational community with no community building, play ground, 20 minute neighbourhood.
- Infrastructure issues with schools and healthcare provision.

DATE: 26 May 2023

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

Location Plan



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Development Management Sub-Committee

2.00pm, Wednesday 22 November 2023

Protocol Note for Hearing

Land South West Of Old Liston Road, Newbridge

Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01423/PPP

Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01421/FUL

Report number	6.3
Wards	1 – Almond

Nick Smith

Service Director – Legal and Assurance

Contacts: Jamie Macrae, Committee Services

Email: jamie.macrae@edinburgh.gov.uk

Summary

Protocol Note for Hearing

Summary

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

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

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	20 minutes
- Questions by Members of the Sub-Committee	
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Questions by Members of the Sub-Committee	
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	2.10 - 2.30
2	Representors or Consultees Robston and Epsotech	2.40 – 2.45
3	Ward Councillors Councillor Kevin Lang Councillor Norman Work (TBC) Councillor Louise Young (TBC) Councillor Lewis Younie	2.50 – 2.55 3.00 – 3.05 3.10 – 3.15 3.20 – 3.25
4	Break	3.30 – 3.40
5	Applicant and Applicant’s Agent Montague Evans (Agent)	3.45 – 4.00
6	Debate and Decision on Application by Sub-Committee	4.05

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 22 November 2023

**Application for Planning Permission in Principle
land south west of Old Liston Road, Newbridge.**

Proposal: Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping.

**Item – Committee Decision
Application Number – 23/01423/PPP
Ward – B01 - Almond**

Reasons for Referral to Committee

The proposed development is contrary to the development plan. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Plan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that it is unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable, and it is recommended that the application be granted subject to conditions. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is the former Continental Tyres factory site south west of Newbridge village. It has lain vacant since the factory closed in 1999. The buildings have been demolished and much of the internal road layout is still visible on the site. The application site is 20.28ha and is fairly level. The sole vehicular access is from Old Liston Road at the north eastern section of the site which connects with the A89 and A8/ M8/M9 at the Newbridge roundabout. A row of trees is on the north of the site just within the entrance to the site and there are other trees on the site mainly on the east and west sides.

To the north there is housing and to the east and south there are industrial units including storage and distribution warehouses. To the north-west and west the site is bounded by the River Almond Site of Local Nature Conservation Site (LNCS) and Site for Importance for Nature Conservation (SINC). A plastics factory is to the south west of the site. The Glasgow to Edinburgh railway line runs in an elevated position along the southern boundary, just beyond the access road to the plastics factory. Across Old Liston Road, to the north-east of site, lies a Scheduled Ancient Monument - Huly Hill, Cairn and Stone Circle. Beyond this further to the north-east is the main runway at Edinburgh Airport, of which the Public Safety Zone passes through the application site.

The site has a series of constraints including the BAA no build corridor, electricity sub stations, access rights to Scottish Power and British Gas wayleaves and the plastics industrial process on the south western corner. A footpath runs along the eastern side of the River Almond, connected to the existing housing at Riverside.

Description of the Proposal

The Planning Permission in Principle is for the erection of logistics, business and industrial development, related uses including trade counter and electric vehicle charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping. It will provide 64,837sqm across 27 units ranging from 186sqm to 11,148sqm.

The indicative masterplan shows that the existing access and position of the internal road at this point will be retained. To the south of the access road there will be three rows of small units and further into the site, north and south of the access road, will be larger units with the biggest ones on the edge of the application site. The maximum height of the units will be approximately 8.5 metres.

An electric vehicle charging station will be located on the north side of the access road just inside the site boundary. An access will be provided to the existing electricity substation on the south western corner.

Parking for the units will include electricity charging point spaces and accessible spaces. Indicative drawings show that parking spaces will be provided for 233 cars, 66 motorcycles and 556 cycles.

Landscaping is proposed around the perimeter, including tree planting, and scattered throughout the application site.

Parallel planning application 23/01421/FUL relates to phase one of the proposals in the Planning Permission in Principle (PPP).

Supporting Information

- Air Quality Assessment
- Archaeological Impact Assessment & Written Scheme of Investigation
- Desktop Study Report
- Ecology Survey Report
- Flood risk Assessment & Addendum
- Flooding drainage and Water Strategy Report
- Landscape and Visual Appraisal
- Noise Impact Assessment
- PAC Report
- Site Investigation Report
- Statement in Support of the Development of the Site for Commercial Use
- Sustainability and Energy Statement
- Transport Assessment
- Parking Provision Report
- Planning Statement
- Design and Access Statement
- Shadow Study

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

Relevant Site History

23/01421/FUL

Land South West Of Old Liston Road

Newbridge

Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure, and landscaping.

07/04646/OUT
1A Old Liston Road
Newbridge
EH28 8SJ

Application for outline planning permission for proposed demolition of existing buildings and redevelopment of site to provide new residential development including family + affordable housing, residential care home, public transport facilities, community recycling facilities, new access roads, car parking, footpaths + cycleways, public park, open space, landscaping + other ancillary community facilities.

Granted
8 September 2014

15/02644/OBL
1A Old Liston Road
Newbridge
EH28 8SJ

Application under section 75 for the Modification of Planning Obligation (Ref 07/04646/OUT) seeking to remove references to the Tram Contribution following a change in Council policy.

Granted
19 June 2015

19/01848/AMC
1A Old Liston Road
Newbridge
EH28 8SJ

To address conditions 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 18, 19 and 20 with further required design details in accordance with requirements of original Planning Permission in Principle (as amended).

Granted
15 May 2020

Other Relevant Site History

PPA-230-2370 (21/04210/PPP)
Residential Development (Of Up to Approximately 500 Homes) Ancillary Retail Use, Active Travel Route, Open Space, Landscaping, Access, Services and All Associated Infrastructure (West Craigs).
Appeal Dismissed 22 Dec 2022

PPA-230-2361 (21/00217/FUL)
Formation Of New Access Road and Active Travel Route from East of Terminal Building To Gogar Roundabout (Airport Road).
Appeal Dismissed 08 Feb 2022

PPA-230-2333 (20/03219/PPP)

Mixed Use Development Including Business And Employment Uses (Use Classes 4, 5 And 6); Residential (Class 9) And Sui Generis Flatted Development (Including Affordable And Student Accommodation); Hotels (Class 7); Ancillary Uses Including Retail (Class 1), Financial And Professional Services (Class 2), Food And Drink (Class 3 And Sui Generis), Non-Residential Institutions (Class 10), Assembly And Leisure (Class 11); And Associated Works Including Car Parking, Servicing, Access And Public Realm (Crosswinds).

Appeal Dismissed 09 Feb 2023

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Aerodrome Safeguarding (Edinburgh Airport)

Network Rail

SEPA

Scottish Water

Economic Development

Environmental Protection

Transport Scotland

Transport Planning (Roads Authority)

Archaeologist

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 25 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 5

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25, 37 and 59 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;
- emerging policy context and prematurity of development and
- any other identified material considerations.

As this application is for planning permission in principle, it requires a condition that the development in question will not begin until there is approval of matters specified in the condition by the planning authority. This report will consider which matters shall be included in this condition.

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 Sustainable Places policies 1, 2, 3, 4, 5, 6, 7, 9, 12, 13
- NPF 4 Liveable Places policies 14, 15, 18, 22
- NPF 4 Productive Places policies 26

- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10
- LDP Transport policies Tra 2 Tra 3, Tra 4, Tra 7

- LDP Environment policies Env 12, Env 15, Env 21, Env 22
- LDP Housing policy Hou 7

The Edinburgh Design Guidance is a material consideration when considering LDP Design, Amenity and Transport Policies.

The West Edinburgh Strategic Design Framework 13 May 2010 states that, "West Edinburgh is an area of national economic importance with significant potential to attract inward investment, create new jobs and develop new visitor infrastructure and facilities in a high quality and sustainable environment. Scottish Planning Policy (now superseded by NPF4) in the form of the West Edinburgh Planning Framework (WEPF) recognised the potential of the area and required the preparation of strategic design guidance to help deliver the vision." The Framework will be superseded by the West Edinburgh Placemaking Framework and Strategic Masterplan which is currently out on consultation and does not include Newbridge.

Principle of Development - Proposed Use

Land Use: -

Land Use - Business and Industry Use

NPF4 Policy 26 supports development proposals for business and industry uses on sites allocated for those uses in the LDP. In addition, it supports development proposals for business and industry uses where they are compatible with the primary business function of the area and enable alternative ways of working such as home working, live-work units and micro-businesses. Outwith designated sites, proposals for business and industry will only be permitted where:

- It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- The nature and scale of the activity will be compatible with the surrounding area.

The proposal would provide a range of sizes of the warehouse buildings and industrial units could also contribute to alternative ways of working as they would be easily adaptable, e.g., for micro-businesses. The site is not, however, designated for business and industry and while the nature and scale of business activity would be compatible with the surrounding area, it has not been demonstrated that there are no suitable alternative sites allocated in the LDP.

The proposals do not, therefore, accord with NPF4 Policy 26.

Economic Development has advised that the development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network. It has also advised that a development of this scale could be expected to directly support approximately 1,801 FTE jobs and could be expected to directly add £96.245 million of GVA per annum (2020 prices) to the economy of Edinburgh if fully occupied.

NPF4 policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposed development will re-use an existing brownfield site, which has been brownfield for almost a quarter of a century. It will reduce the need for greenfield development to provide for the rising demand for warehousing which has been shown in supporting information provided by the applicant and highlighted by the Council's Economic Development Team.

The proposal will contribute to the wider regeneration and improvement of the wider area by redeveloping a vacant site which is not contributing positively to the surrounding area nor to the residential community. It will provide employment which would be within walking distance of local workers, in line with NPF4 Policy 15 (Local Living and 20 minute neighbourhoods), and improve its landscape setting. A range of business unit sizes is proposed and, although, in the form of warehousing and smaller business/trade units would be flexible to enable a range of businesses to locate in the proposed industrial estate.

The surrounding area to the south and east of the site has a business and industry character. There are warehouses and business units of differing sizes and industrial manufacturing too. The application site still retains an element of its former industrial character and be compatible with the concentration of business and industry uses to the south and east. Environmental Protection has advised that it prefers non-residential use on the site due to the amenity impacts on future residents (from odours from adjacent use). In this context, a business and industrial land use is acceptable.

The proposals include elements of retail and sui generis use. It will be necessary to limit the amount of retail and preclude food and convenience retail as the site is not in a defined retail centre. This can be done by condition. Similarly, sui generis uses are excluded due to lack of details and any such uses can be considered more appropriately through individual planning applications for units.

Land Use - Housing Allocation and Extant Planning Permission

The application site is identified for housing in the LDP (HSG4 - West Newbridge) and in Table 3 (Existing Housing Proposals) with an estimated capacity of 500 units. In the LDP Housing Land Study June 2014, the application site is listed under "Constrained sites not contributing to requirement".

Whilst little weight can be given to the Proposed City Plan 2030, it is pertinent to note that the site is also listed (in Part 4, Table 2) as an existing LDP housing site. Estimated capacity of the site is 500 residential units.

Planning permission in principle for residential development (application number 07/04646/OUT) remains extant as material operations have been carried out under related AMC application (application number 19/01848/AMC).

The factory previously occupying the site (Continental Tyres) closed in 1999 with the buildings now demolished. Since gaining permission in 2014, no housebuilder has shown interest or come forward to develop the site, which has now lain vacant for 24 years. The application site has not contributed to the delivery of housing through the LDP and no residential units have been constructed.

There is no delivery programme or housing developer committed to developing the site for residential development. This means that although housing *could* be deliverable on site and the site remaining as a housing allocation site in the Proposed City Plan 2030, it cannot be guaranteed that housing will actually be built on the site within the Proposed City Plan 2030 timeframe.

Evidence submitted for this application in the Statement in Support of the Development of the Site for Commercial Use provided by the applicant it is stated that the site that despite "extensive marketing and notwithstanding a number of development proposals were progressed and a variety of parties expressed an interest in developing the site, including for residential development, none have progressed." The Statement also states that "...despite successive attempts, the site has failed to be realised for residential development even although it has been assessed by a number of national housebuilders."

Given the constraints on the site, such as the Airport Safety Zone, noise and odours from an adjacent factory, together with a lack of commitment from housebuilders, it is unlikely that housing *will* be delivered on the site. Aircraft noise is the most significant noise affecting the site with noise also from the railway and industry also present. Reference to the impact of noise from aircraft on the health of occupants in the Statement of Support which raises the matter of it leading to poor amenity, disturbance and the impact on outdoor amenity. Commercial uses would not need to consider such high levels of amenity and, therefore, the proposed business and industry development is in a position where can be implemented, should planning permission be granted.

Impact on the delivery of housing numbers through the development plan will be minimal if residential units were not built on the application site. This is due to planning permissions being granted on sites not identified for housing in the LDP or Proposed City Plan 2030. Such permissions would balance out the 500 units capacity (as stated in the LDP) not being built on HSG 4 - West Newbridge/ the application site. An example includes the Garden District (Gogar Station Road; 15/04318/PPP) which was granted after being called in by Scottish Ministers (4 April 2022; NOD-EDB-002) with condition 2 setting a maximum of 1,350 residential units. Therefore, the required amount of housing land could still be achieved without LDP housing site HSG4.

Conclusion - Principle of Development / Proposed Use

In these exceptional circumstances, a departure from the development plan is acceptable in this instance and the proposed land use for business and industry will support the local, regional and national economy. The proposal will re-use a former industrial site for business and industry uses and help provide for the rising demand for warehousing in Edinburgh, without the need to use greenfield land. Given that housing has not been delivered on the site since planning permission was granted in 2014 and the difficulty with overcoming the constraints for housing on the site, it is considered that the housing allocation on the site is not effective and will be unable to be delivered.

Historic Assets and Archaeology

NPF4 Policy 7 states that development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided.
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

Huly Hill, cairn and stone circle is a Scheduled Monument (Ref: SM1160; date added 31/01/1931) to the east of the application site and south west of the Newbridge roundabout which links the M8 and M9. The monument is of national importance because of its potential to contribute to the understanding of prehistoric ritual and funerary practices. It is part of a larger ceremonial complex, with an outlier (scheduled separately to the east), of a kind unusual in southern Scotland.

The proposed development will not change the relationship between the application site and the Scheduled Monument. Therefore, the setting of the Scheduled Monument will not be detrimentally affected by the proposal and the proposal complies with NPF4 Policy 7(h).

NPF4 Policy 7 (Historic assets and places) requires that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

The City Archaeologist has advised that the site occurs within an area of archaeological significance and that ground works associated with development may uncover significant archaeological deposits principally relating to the area's prehistoric occupation, such as burials. It is recommended, therefore, that a programme of archaeological works is undertaken prior to and during development to fully excavate, record and analyse any significant remains that may be affected.

The use of a condition requiring a Programme of Archaeological Work will ensure that there will be no impact on archaeology. Therefore, the proposal complies with NPF4 policy 7(o).

Climate Mitigation and Adaptation

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

The proposal will use previously developed land, and this is compatible with NPF4 Policy 9 which aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The River Almond Site of Importance for Nature Conservation (SINC), although outwith the application site red line boundary, will remain undeveloped with some rewilding proposed enabling it to continue to contribute to climate mitigation and adaptation.

The application site is located in a sustainable location near to public transport links and existing infrastructure. The EV charging station/area will encourage the use of more environmentally friendly vehicles and contribute to EV infrastructure particularly as it is so close to major trunk road network of the M8/M9. Frequent bus services between the City and West Lothian run nearby on the A89. The proposal will be sustainable and be in line with NPF4 policies 1 and 2.

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

SEPA has advised that it has no objection to the application and commented that, "Based on the topographic information provided, and as the site is outwith the SEPA Flood Map (fluvial) and we hold no records of flooding, we have no objection to the development on flood risk grounds."

Flood Planning has advised that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flooding issues.

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

Natural Environment - Biodiversity and Sustainability

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 6 (Forestry, woodland and trees) intent is to protect and expand forests, woodlands and trees and aims for woodland and trees on development sites to be sustainably managed.

The River Almond corridor is a Site of Importance for Nature Conservation (SINC), a Local Nature Conservation Site (LNCS) and, therefore, LDP policy Env 15 (Sites of Local Importance) applies. NPF4 Policy 4 (Natural Places) also applies as it aims to protect, restore and enhance natural assets making best use of nature-based solutions to ensure that there is no adverse impact on flora, fauna, landscape or geological features or on protected species.

Soft landscaping is proposed throughout the application site, as shown in the indicative masterplan, which will provide opportunity for biodiversity and sustainability enhancements. Protection and rewilding of the River Almond SINC/LNS will also contribute to biodiversity and sustainability.

Existing trees forming an avenue will be retained. This would comply with NPF 4 Policy 3 and NPF4 Policy 4 and LDP Policy Env 12.

To ensure a comprehensive approach to landscaping, including trees, and biodiversity across the application site, it is recommended that conditions are attached to the planning permission should it be granted. A Habitat Management Plan is recommended for the area of site and adjacent SINC/LNCS.

Full details of biodiversity enhancements, tree planting and landscaping will be required for any subsequent AMC application and require to tie in with the overall landscape and biodiversity masterplans for the site, once approved.

Subsequent Reserved Matters (AMC) applications will require to demonstrate compliance with NPF4 policies 3 (d) Biodiversity and 6 (Forestry, woodland and trees) and with LDP policies Env 12 and Env 15.

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

Design Quality and Place

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

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

The River Almond SINC existing feature will be incorporated into the design, as required by LDP policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and shown in the indicative masterplan. Its existing boundary will remain unaltered.

The condition of the site has not been contributing positively to a sense of place. By bringing the site back into use, it will provide employment opportunities within walking distance of residential areas in the village and near to public transport routes. In terms of character of the wider area, it will add to the employment and industry uses whilst acknowledging and respecting the residential properties concentrated to the west of Newbridge.

Whilst the principle of the development is acceptable, detailed design matters, including numbers/floorspace of commercial units, heights, design and appearance of buildings, layout, surface water drainage, sustainability and waste and recycling arrangements, are not for assessment at this stage.

It is recommended that these design matters are reserved for consideration at the further application submission stage, at which they would be assessed against NPF Policy 14 and the relevant LDP design policies such as Des 1, Des 3, Des 4, Des 5, Des 7, Des 8 and Des 10.

Landscaping

Extending the existing avenue of trees, as shown on the indicative masterplan, is welcomed. It will provide a strong linear feature as well as a softer appearance both on the approach into the site and within it.

Landscaped areas, as shown in the indicative drawings, will be scattered throughout the site and provide a setting for the proposed business and industrial buildings. The proposed landscape buffer zone will also form an acoustic barrier, Landscaping will provide new locations for wildlife and biodiversity within the application site.

The use of a condition requiring a comprehensive landscape masterplan, including the landscape buffer zone, is recommended to ensure that appropriate and effective landscaping will be delivered on the site.

Amenity

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

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

Neighbouring amenity

Each detailed AMC application will need to provide information on the impact on neighbouring residential properties, such as daylighting and sunlight. Consideration will also need to be given to the potential operational noise impacts the proposals may have on the neighbouring residential amenity.

Noise

A Noise Impact Assessment (NIA) has been submitted and it identifies several noise sources that will require mitigation. The noise sources include fixed plant and machinery inside the buildings, fixed plant on the roof or walls, loading/unloading at docking bays and outside. Environmental Protection has recommended conditions to ensure the requirements and recommendations of the NIA are incorporated in relation to the development being built out.

Environmental Protection has advised that the applicant has demonstrated that noise can be mitigated and that a condition will be required to ensure that bespoke noise mitigation measures are applied to the detailed applications when submitted. These applications will need to be supported with a further specific and detailed NIA. Full details of the acoustic/noise barrier landscape buffer will be required in any subsequent reserved matters/AMC applications.

Therefore, conditions relating to noise mitigation requirements and plant noise are recommended, should planning permission be granted.

Air Quality and Energy

Environmental Protection has recommended a condition be used to require a scheme for meeting the on-site heat and energy demand including provisions for renewables.

The site is located near to the Air Quality Management Area (AQMA) on Glasgow Road. The applicant has provided an air quality impact assessment that has been assessed by Environmental Protection. Traffic will be generated from the proposal, including heavy goods vehicles, which may travel through the AQMA. Regarding Electric vehicle charging points, the applicant has committed to installing a charger at a ratio of 1 in 6 spaces which is the minimum requirement under the Edinburgh Design Standards. Providing Electric Vehicle Charging Points to encourage more electric vehicles will reduce the impact on air quality and contribute to the AQMA.

An informative is recommended in relation to a Construction Environmental Management Plan (CEMP).

Future occupiers' amenity

Details of amenity provision for future occupiers/employees/users will require to be provided and assessed in detailed applications. The indicative drawings show that landscaped areas will provide areas for outdoor seating (staff breakout areas) for workers.

It is acknowledged that there are odours from the neighbouring factory to the south west of the application site and that these may impact on future occupants and employees of the proposed development. Planning policies are not designed to protect the amenity of business users and Environmental Protection has not raised any concerns regarding this matter. Outside amenity space use and duration of its use will be expected to be less than that for residential use and likely to be limited to hours of operation. Industrial use is a less sensitive use when compared to residential use and the proposed use is more compatible with the adjacent use and other industrial uses in the vicinity. For example, it will not result in housing with people living under the flight path. Therefore, the proposed use will not experience the same level of impact on amenity compared to housing.

Ground Contamination

Due to the historic uses on the site in terms of contaminated land, a condition requiring Site Investigation is recommended.

Transport

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

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal

Transport Scotland has advised that the Director does not propose to advise against the granting of permission.

The Roads Authority (Transport Planning) has advised that it has no objections to the application subject to appropriate conditions and informatives relating to: - car and cycle parking provision; - 2030 City Plan safeguard WE20 (Segregated public transport route through the site); - active travel footway safeguard; - accesses open to public; - Road Construction Consent; - maintenance responsibility for underground water storage / attenuation; - Quality Audit; - Travel Plan; - new road names; - status of parking spaces adjacent to carriageway; - Disabled Persons Parking Places; - maintenance schedule for the SUDS infrastructure; and - adjacent to a "traffic sensitive street".

Little weight can be given to the public transport safeguard through the site in the Proposed City Plan 2030 and an informative is recommended. The indicative masterplan has shown that the safeguard could be accommodated in the proposed development.

It has also advised that the proposed industrial development is predicted to generate fewer vehicular trips than the consented residential use for the site. The Roads Authority has not raised any road safety matters.

The City of Edinburgh Council is working with West Lothian Council to look at public transport and active travel links in the area along the A8/A89 between Broxburn to Maybury. Known as Broxburn to Maybury Transport Improvements, this is a major transport improvement project which aims to better connect communities with major employment, education, healthcare and leisure opportunities. The project is funded through the Edinburgh and South East Scotland City Region Deal. Public consultation has taken place over the last few months with the findings still to be reported on. The planning application site will be able to accommodate the public transport safeguard in the Proposed City Plan 2030 through the site which would enable the proposed development to contribute to the improvement of connections and public transport in the area and near the A8/A89 corridor.

Environmental Protection has advised that it has no objections to the application subject to conditions relating to electric vehicles charging station. This is to ensure that a scheme for installing Electric Vehicle Charging Points, including rapid chargers, is approved by the planning authority and rapid chargers.

Waste

NPF 4 policy 12 intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. It is the responsibility of the developer and operators of the development to ensure that their waste strategy complies with the relevant legislation.

Conclusion in relation to the Development Plan

The proposal does not comply with the existing development plan as the site is identified as a housing site, contrary to allocation HSG4 in the LDP and Policy 26 of NPF4. Whilst the proposed development is contrary to the LDP 2016 and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation.

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

The following material planning considerations have been identified:

Emerging policy context - prematurity of development and prejudice to the emerging plan

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 (City Plan) and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. Examination of City Plan remains ongoing and at this time little weight can be attached to it as a material consideration in the determination of this application. However, in light of City Plan being at Examination and this site being allocated for housing, as a matter of law prematurity is an issue which requires to be considered in the determination of this application.

Prematurity is simply one relevant material consideration among others and the weight attached to it is a matter of planning judgement that needs to be considered on the individual facts and circumstances of each case. This flexibility is not entirely unfettered and there is a need to adopt a consistent approach when dealing with similar applications and issues.

The key question on prematurity is whether the development proposed is so substantial, or its cumulative effects would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan.

The application site forms part of a site identified in Proposed City Plan 2030 as a housing site (HSG4). It is identified as potentially contributing towards meeting the requirements of City Plan with a notional capacity of 490 units (note: LDP capacity was 500 units).

It is therefore considered that issues concerning prematurity are engaged and reference is made to the three appeal decisions PPA-230-2370 (21/04210/PPP) (West Craigs), PPA-230-2361(21/00217/FUL) (Airport Road) and PPA-230-2333 (20/03219/PPP) (Crosswinds) where various types of development have been considered in relation to prematurity, whether that be specifically referenced or inferred from the nature of the decisions.

While prematurity is engaged, the proposal is not considered to prejudice the plan making process. The Proposed City Plan 2030 identifies the need to for a city housing land requirement for 44,293 housing units (which includes a general allowance of 20%) over a ten year period. The Housing Land Supply is estimated at being 57,428. The application site represents 1.1% of the housing target or 0.85% of housing land supply. This coupled with the fact that the site is an existing site carried forward into the emerging Proposed City Plan 2030 by the fact that it is isolated from the major development area of West Edinburgh, where it is anticipated that 10,500 housing units would suggest that the loss of a site estimated to have a capacity of 490 units is not significant. In the wider context for housing land and housing allocation across the city, this site will only provide a miniscule contribution. FIR 021 notes that in terms of programming, the future of the site is uncertain.

In conclusion, while issues concerning prematurity are engaged in this case, it is not considered having regard to the location of the development and the constraints on the site for residential use that the loss of this site towards an adverse impact on housing would be so significant as to undermine the plan making process. Therefore, it is not considered that the application should be refused on prematurity grounds.

Other Material Considerations

Both the most recent agreed housing land audit and the previous housing land audit for the LDP in 2014 identify it as a constrained site. The Proposed City Plan 2030 recognises environmental concerns due to the proximity of the site to industrial uses and impact of aircraft noise and the need must be addressed through a comprehensive master plan. Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits advises that where sites are identified as non-effective, audits should identify the nature of the constraint and actions including a timeline to make the land effective, otherwise where it is not possible to remove development constraints, sites should be removed from the housing land audit of housing land supply. In this case, although the site has been known to be constrained since at least 2014, over the past seven years, it has not been possible to remove the development constraints.

In this case there are three major constraints:

- part of the site is undevelopable as it forms part of the airport safety zone and cannot be developed;
- the site is constrained by lying under the flight path from Edinburgh Airport and the associated noise this generates associated with take-offs and landings; and
- the site is in close proximity to plastics manufacturing facility where there is issues with odours which cannot be mitigated against by actions on the application site.

The first two constraints cannot be removed as to achieve this would require moving the location of the airport or changing the take-off and landing zones. The costs of such changes would far outweigh any benefits to making the site effective for housing development. The third constraint relates to odours from the adjacent plastics factory. This would involve mitigation measures being carried out by a third party over which the applicant has no control. Despite the existence of an extant planning permission with details of odour mitigation measures, it is considered unlikely that there is a reasonable prospect of this matter being resolved during the plan period.

While a certain degree of noise can be mitigated against in terms of acoustic glazing, Environmental Protection advised for 07/04646/OUT that residential properties on the site would suffer poor amenity due to aircraft noise. A portion of the site was identified in the odour assessment for 07/04646/OUT as not being suitable for residential development and the odour assessment report provided for 19/01848/AMC identified mitigation measures recommending that two 18m stacks be installed at the factory. However, this relies on a third party implementing the mitigation.

The amenity of the site is severely compromised, and this is reflected in the fact that the site has not been taken forward by any housing developers despite the existence of the extant planning permission.

In conclusion, the site is constrained and not effective. The constraints are unlikely to be overcome within the timeframe identified in the Council's response to the Reporter for the Examination of the Proposed City Plan 2030 for delivery of housing. In addition, no housebuilders have shown an interest or committed to developing the site and, therefore, there is no timeframe for the delivery of housing on the site. In such circumstances, development of the site for industrial purposes is considered to be an appropriate proposal and outweigh the position set out in the extant development plan and the emerging Proposed City Plan 2030.

Industrial Unit Demand

Rydens, acting on behalf of the applicant, has advised that there has been, at a macro level, significant structural changes for industrial property in the UK over the last 30 to 40 years. Examples include a reduction in manufacturing and growth in warehousing demand due to growth in online retailing. In the Edinburgh context, it advises that, industrial land has changed and lost to housing and office use. This has meant that many of the displaced industrial occupiers have struggled to find suitable alternative properties within the Edinburgh area and as a result have looked outwith the city boundary to secure premises. In recent years, there has been very limited new industrial development due to shortage of available space and strong demand. The major increase in online retailing and business supply chain needs to be served by a last mile delivery network that is in close proximity to the population. This requires good stock of well located industrial space and Edinburgh is struggling to meet this demand. Newbridge represents an excellent opportunity in this respect. The proposed development has the potential to create significant jobs and investment for the local economy.

The Council's Commercial & Investment Team in Economic Development has advised that there is a major undersupply of industrial space in Edinburgh and that the proposal will deliver new units in a range of sizes in close proximity to the national trunk road network.

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:

material considerations

- increased traffic; type of traffic; nature of vehicle movements; Transport Assessment. Addressed in section a).
- traffic pollution and emissions. Addressed in section a).
- wildlife impact and destruction of wildlife habitats. Addressed in section a).
- odours (from neighbouring factory) impact on future occupiers amenity. Addressed in section a).
- existing emissions from neighbouring factory. Addressed in section a).
- emissions from proposed development. Addressed in section a).
- road safety. Addressed in Section a).
- public transport. Addressed in section a).

non-material considerations

- impact on services and utilities to neighbouring properties.
- Construction Environment Management Plan. *Included in Informatives.*
- road safety. *This is the responsibility of the Roads Authority.*
- existing traffic congestion.

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 contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Pan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that there is no likelihood of housing being delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable and it is recommended that the application be granted subject to conditions. There are no other 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 planning permission in principle relates must be begun not later than the expiration of five years beginning with the date on which this planning permission in principle is granted. If development has not begun at the expiration of the period mentioned in paragraph, the planning permission in principle lapses.
2. Application for the approval of matters specified in condition must be made before whichever is latest of the following:
 - (i) the expiration of 3 years from the date of the grant of the permission,
 - (ii) the expiration of 6 months from the date on which an earlier application for the requisite approval was refused, and
 - (iii) the expiration of 6 months from the date on which an appeal against such refusal was dismissed or, where the earlier application is the subject of a review by the Council's Local Review Body, the expiration of 6 months from the date of the notice of the decision to uphold the determination, and may be made for
 - (a) different matters and
 - (b) different parts of the development, at different times.
3. Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structures, including detailed street elevations.

Approval of Matters:

 - a) Height, massing and siting of all buildings;
 - b) A detailed specification of all proposed materials, including hard landscaping;
 - c) Design and external appearance of all buildings, roof form, open space, public realm and other structures;
 - d) Existing and finished site and floor levels in relation to Ordnance Datum;

- e) Roads, footways, cycleways, servicing and layout of car parking, cycle parking provision and other parking meeting Edinburgh Street Design Guidance;
 - f) Access point or points;
 - g) Waste management and recycling facilities;
 - h) Daylight, privacy and overshadowing information to assess the impacts on neighbouring amenity;
 - i) Surface water management, drainage arrangements, SUDS proposals and SUDS maintenance plan. Including a drainage layout drawing and post-development overland flow path drawing;
 - i) Landscaping:
 - (i) Detailed soft and hard landscaping plan and levels;
 - (ii) A schedule of all plants and trees to comprise species, plant size and proposed number and density;
 - (iii) Inclusion of hard and soft landscaping details including tree removal;
 - (iv) Landscape management plan including schedule for implementation and maintenance of planting scheme;
 - (v) Any boundary treatments, including noise barriers;
 - (vi) Biodiversity - details of enhancements and improvements such as inclusion of hedges and raingardens.
4. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. 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, community engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

6. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Noise Impact Assessment AS 0974 Newbridge; Airshed, 13 March 2023).

7. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
8. Development shall not commence until a scheme for protecting the occupiers of the residential units located at Riverside streets has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
9. Development shall not commence until a scheme for installing Electric Vehicle Charging Points including provisions for rapid chargers have been submitted to and approved in writing by Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
10. Development shall not commence until a scheme for meeting the onsite heat and energy demand including provisions for renewables have been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
11. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
12. Notwithstanding the description of the proposed development of the planning application form, the proposed sui generis use is not consented.
13. Prior to the commencement of development, a masterplan showing detailed biodiversity enhancements for the entire site to be submitted to and approved in writing by the Planning Authority.
14. Prior to the commencement of development, a comprehensive landscaping masterplan for the application site be submitted to and approved by the Planning Authority in writing. It shall include biodiversity and wildlife habitats enhancements and the landscape buffer (and acoustic barrier).
15. Development shall not begin until a construction management strategy has been submitted to and approved in writing by the Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:

- details of the area(s) subject to construction activity and the storage of materials and equipment
- details of cranes and other tall construction equipment (including the details of obstacle lighting) -
- Such schemes shall comply with Advice Note 4 'Cranes' (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>).
- details of temporary lighting - Such details shall comply with Advice Note 2 'Lighting' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- control and disposal of putrescible waste to prevent attraction of birds- site restoration.

The approved strategy (or any variation approved in writing by the Planning Authority) shall be implemented for the duration of the construction period.

16. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 "Wildlife Hazards";
- monitoring of any standing water within the site temporary or permanent;
- physical arrangements for the collecting (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
- Signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

17. Before development commences details of the permanent lighting scheme(s) for the development shall be submitted to the Planning Authority for their written approval. Lighting schemes should be of a flat glass, full cut off design, mounted horizontally, and shall ensure there is no light spill above the horizontal. The approved lighting scheme is to be implemented upon completion of the development, no subsequent alterations shall take place unless first submitted to and approved in writing by the Planning Authority.

18. No development shall take place until full details of the solar PV scheme including a Glint & Glare Assessment have been submitted to and approved in writing by the Local Planning Authority. This must be conducted by a competent body. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

19. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that:

- (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or
- (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator and

- (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and
- (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.
20. A Habitat Management Plan for the area of site and adjacent Local Nature Conservation Site shall be produced taking on board the recommendations and details included within the Ecology Survey Report (Version 2 dated 20 March 2023).
 21. The maximum amount of retail use shall not exceed seven units or ten percent of the total floor area accommodation (i.e. 10% of 64,837sqm) whichever is the greater.
 22. No food or convenience retail use shall be accommodated in the units.

Reasons :-

1. To accord with Section 59 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure applications for approval of matters specified in condition are made timeously and in accordance with section 41 (1) (c) of the Town and Country Planning (Scotland) Act 1997.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the interests of archaeological heritage.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to enable the Planning Authority to consider sustainability further.
11. In order to protected airport safeguarding.
12. To enable the planning authority to consider further any proposed sui generis use on the application site from any subsequent planning application.
13. In order to ensure a comprehensive site-wide biodiversity enhancements are delivered on site.

14. To ensure landscaping across the site is appropriate.
15. To ensure that construction work and construction equipment on the site and any adjoining land does not breach the Obstacle Limitation Surface (OLS) surrounding Edinburgh Airport and endanger aircraft movements and the safe operation of the aerodrome.
16. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
17. It is necessary to control the permanent lighting arrangements on this development to avoid confusion with aeronautical ground lights which could endanger the safe movement of aircraft and the operation of Edinburgh Airport. For further information please refer to Advice Note 2 "Lighting" (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>)
18. To ensure the development does not endanger the safe movement of aircraft or the operation of Edinburgh Airport through interference with communication, navigational aids and surveillance equipment and glare issues.
19. In the interests of aviation safety.
20. To ensure natural habitat is enhanced and not harmed.
21. In order to retain business and industry use and space.
22. In order to preserve and retain business and industrial use and floor space on the site.

Informatives

It should be noted that:

1. A minimum of 3m wide footway should be safeguarded on the east side of River Almond adjacent the site for active travel connection to the existing active travel route on A89 Edinburgh Road and future linkages to the south.
2. No trees, bushes or shrubs to be removed during bird nesting season and works to be stopped if a nest is found.
3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.

Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
6. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
7. The applicant should note that new road names may be required for the development, and this should be discussed with the Council's Street naming and Numbering Team at an early opportunity.
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
11. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>
12. The proposed public transport route WE20 is required be built to adoptable standards and will be subject to waiting and loading restrictions to ensure that the route serves its intended purpose and not compromised by internal operations of the industrial area.

13. The applicant will need to produce a Construction Environmental Management Plan (CEMP) to ensure that neighbouring amenity is not adversely affected during the construction phase.
14. 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.
15. 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.
16. Notwithstanding the submitted drawings and for the avoidance of doubt, the design proposals submitted as part of the PPP application do not represent an approved scheme and all matters are reserved.
17. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
18. Note the requirement for trade waste producers to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities.
19. European protected species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS. Should EPS be found before or during construction works, NatureScot must be informed as an European Protected Species licence may be required.
20. The applicant will be required to ensure that the proposed development does not prejudice the implementation of the Council's Proposed City Plan 2030 safeguard WE20 (Segregated public transport route through the site).

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 18 April 2023

Drawing Numbers/Scheme

01.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Aerodrome Safeguarding (Edinburgh Airport)

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions:

Construction Management Strategy

Bird Hazard Management Plan

Scheme for the Permanent Lighting of the Development

Submission of Details for PV Schemes

Instrument Flight Procedure (IFP) Assessment

DATE: 11 May 2023

NAME: Network Rail

COMMENT: After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore has neither any objections to this application nor any comments to make.

DATE: 16 May 2023

NAME: SEPA

COMMENT: We have no objection to this application.

The banks of the River Almond are shown to be in the region of 37.0 mAOD whereas the ground levels within the red line boundary are above 45mAOD demonstrating the site is elevated above the river by approximately 8m and not likely to be at risk of fluvial flooding. Based on the topographic information provided, and as the site is outwith the SEPA Flood Map (fluvial) and we hold no records of flooding, we have no objection to the development on flood risk grounds.

DATE: 10 May 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application.

DATE: 11 May 2023

NAME: Economic Development

COMMENT: The site does not currently support any significant economic activity. It is estimated that the proposed redevelopment could support 1,801 FTE jobs and £96.245 million of GVA per annum (2020 prices) if fully occupied.

The development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network.

DATE: 26 April 2023

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objection to the application subject to conditions and informatives relating to:

1. Requirements and recommendations of the noise impact assessment.

2. Noise from all plant complying with NR25.
3. A scheme for protecting the occupiers of the residential units located at Riverside streets.
4. A scheme for installing Electric Vehicle Charging Points.
5. A scheme for meeting the onsite heat and energy demand including provisions for renewables.
6. Site Survey investigations and, where necessary, remedial measures.

Construction and Environmental Management Plan
Good duct practice - design and implementation
DATE: 4 August 2023

NAME: Transport Scotland
COMMENT: The Director does not propose to advise against the granting of permission.
DATE: 18 July 2023

NAME: Transport Planning (Roads Authority)
COMMENT: No objections subject to appropriate conditions and informatives relating to:

- car and cycle parking provision
- 2030 City Plan safeguard WE20 - Segregated public transport route through the site
- active travel footway safeguard
- accesses open to public
- Road Construction Consent
- maintenance responsibility for underground water storage / attenuation
- Quality Audit
- Travel Plan
- new road names
- status of parking spaces adjacent to carriageway
- Disabled Persons Parking Places
- maintenance schedule for the SUDS infrastructure
- adjacent to a "traffic sensitive street"

Note:-

a) The proposed industrial development is predicted to generate fewer vehicular trips than the consented residential use for the site.

DATE: 7 November 2023

NAME: Archaeologist

COMMENT: Archaeological field work since 2001 has demonstrated that Newbridge has been extensively occupied since the Neolithic Period, with evidence also of possible earlier Mesolithic occupation dating back over 6000 years.

Newbridge is centred upon a nationally important ritual complex off Huly Hill, located immediately to the east of the main entrance, comprising the remains of a Neolithic Stone Circle (with possible outlying stone alignments) with a central Bronze Age Burial Cairn.

The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Condition recommended:-

'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, community engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

DATE: 10 May 2023

DATE: 10 May 2023

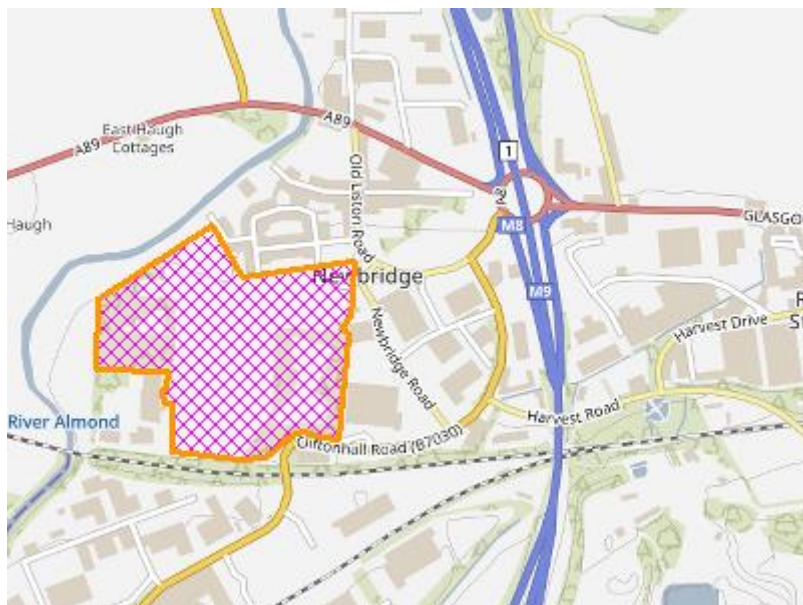
NAME: Flood Planning

COMMENT: This application (23/01423/PPP) can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 7 November 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 22 November 2023

Application for Planning Permission
land south west of Old Liston Road, Newbridge.

Proposal: Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping.

Item – Committee Decision
Application Number – 23/01421/FUL
Ward – B01 - Almond

Reasons for Referral to Committee

The proposed development is contrary to the development plan. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Pan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that it is unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable, and it is recommended that the application be granted subject to conditions. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is the eastern part of the former Continental Tyres factory site south west of Newbridge village. It has lain vacant since the factory closed in 1999. The buildings have been demolished and much of the internal road layout is still visible on the site. The larger site is 20.28ha and the application site is 3.92ha and fairly level. The sole vehicular access is from Old Liston Road at the north eastern section of the site which connects with the A89 and A8/ M8/M9 at the Newbridge roundabout. A row of trees is on the north of the site just within the entrance to the site and there are other trees on the site mainly on the east and west sides.

To the north there is housing and to the east and south there are industrial units including storage and distribution warehouses. To the north-west and west the site is bounded by the River Almond Site of Local Nature Conservation Site (LNCS) and Site for Importance for Nature Conservation (SINC). A plastics factory is to the south west of the site. The Glasgow to Edinburgh railway line runs in an elevated position along the southern boundary, just beyond the access road to the plastics factory. Across Old Liston Road, to the north-east of site, lies a Scheduled Ancient Monument - Huly Hill, Cairn and Stone Circle. Beyond this further to the north-east is the main runway at Edinburgh Airport, of which the Public Safety Zone passes through the site.

The site has a series of constraints including the BAA no build corridor, electricity sub stations, access rights to Scottish Power and British Gas wayleaves and the plastics industrial process on the south western corner. A footpath runs along the eastern side of the River Almond, connected to the existing housing at Riverside.

Description of the Proposal

The proposal is for the erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping. The accommodation will extend to 12,486 sqm.

The proposal, which forms Phase 1 of the 23/01423/PPP application for the wider site, will be positioned to the south of the existing access road into the site. One road from the access road will give access to two roads serving the proposed units.

Site wayfinding will be in the form of a curved stone feature wall, just after entering the access road, and a totem sign at the access road to the industrial units.

There will be three rows of units, two facing each other, and a single unit. Seventeen units are proposed ranging from 835 sqm to 2,368 sqm in floorspace. Some will have a mezzanine level. Materials will be metal cladding, aluminium framed windows and doors, roller shutters and glazed entrance canopy. Colours proposed for the elevations will be light and dark grey with red strips on eaves, on window frames and on glass curtain walling frames. Rooflights will be installed, and the roof will be of cladding with a shallow pitch. PV panels will be installed on the roof.

Parking along the front of the units is also proposed, incorporating disabled persons parking spaces and electric vehicle charging points, as well as loading/unloading bays for the larger units. Four timber bounded bin stores are proposed in four different locations.

Cycle parking is proposed in covered storage and stands in several locations throughout the site. Block 1 will have 74 cycle storage spaces, Block 2 will have 25 cycle storage spaces and Block 3 will have 7 cycle storage spaces, giving a total of 106 cycle parking spaces.

A total of 57 vehicle car parking spaces are proposed including 7 disabled persons parking places/accessible parking spaces and 6 electric vehicle charging points. Ten motorbike parking spaces are also proposed.

A Paladin Security Fence will be erected close to the rears of the rows of units. Four timber bounded bin stores are proposed in four different locations.

Soft landscaping is proposed on the entrance to the site and into the smaller access roads and other locations throughout the site. The roads will be tarmacadam, the service yard and motorbike parking space will be concrete, and the footpaths and parking areas will be block paving, in contrasting colours.

Parallel planning application 23/01423/PPP relates to the entire site and will also be considered by Committee.

Revised Proposal

Anomalies with parking spaces corrected on site plan drawing.

Supporting Information

- Air Quality Assessment
- Archaeological Impact Assessment & Written Scheme of Investigation
- Desktop Study Report
- Ecology Survey Report
- Flood Risk Assessment & Addendum
- Flooding drainage and Water Strategy Report
- Landscape and Visual Appraisal
- Noise Impact Assessment
- Site Investigation Report
- Statement in Support of the Development of the Site for Commercial Use

- Sustainability and Energy Statement
- Transport Statement
- Parking Provision Report
- Design and Access Statement
- Planning Statement
- Shadow Study

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

Relevant Site History

23/01423/PPP

Land South West Of Old Liston Road

Newbridge

Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping.

07/04646/OUT

1A Old Liston Road

Newbridge

EH28 8SJ

Application for outline planning permission for proposed demolition of existing buildings and redevelopment of site to provide new residential development including family + affordable housing, residential care home, public transport facilities, community recycling facilities, new access roads, car parking, footpaths + cycleways, public park, open space, landscaping + other ancillary community facilities

Granted

8 September 2014

15/02644/OBL

1A Old Liston Road

Newbridge

EH28 8SJ

Application under section 75 for the Modification of Planning Obligation (Ref 07/04646/OUT) seeking to remove references to the Tram Contribution following a change in Council policy.

Granted

19 June 2015

19/01848/AMC

1A Old Liston Road

Newbridge

EH28 8SJ

To address conditions 1, 4, 5, 6, 7, 8, 9, 11, 13, 14, 15, 18, 19 and 20 with further required design details in accordance with requirements of original Planning Permission in Principle (as amended).

Granted

15 May 2020

Other Relevant Site History

PPA-230-2370 (21/04210/PPP)

Residential Development (Of Up to Approximately 500 Homes) Ancillary Retail Use, Active Travel Route, Open Space, Landscaping, Access, Services And All Associated Infrastructure. (West Craigs)

Appeal Dismissed 22 Dec 2022

PPA-230-2361 (21/00217/FUL)

Formation Of New Access Road and Active Travel Route From East Of Terminal Building To Gogar Roundabout (Airport Road)

Appeal Dismissed 08 Feb 2022

PPA-230-2333 (20/03219/PPP)

Mixed Use Development Including Business And Employment Uses (Use Classes 4, 5 And 6); Residential (Class 9) And Sui Generis Flatted Development (Including Affordable And Student Accommodation); Hotels (Class 7); Ancillary Uses Including Retail (Class 1), Financial And Professional Services (Class 2), Food And Drink (Class 3 And Sui Generis), Non-Residential Institutions (Class 10), Assembly And Leisure (Class 11); And Associated Works Including Car Parking, Servicing, Access And Public Realm (Crosswinds)

Appeal Dismissed 09 Feb 2023

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Aerodrome Safeguarding - Edinburgh Airport

Network Rail

SEPA

Scottish Water

Flood Planning

Economic Development

Environmental Protection

Transport Scotland

Transport Planning (Roads Authority)

Archaeologist

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

Publicity and Public Engagement

Date of Neighbour Notification: 25 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25, 37 and 59 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;
- emerging policy context and prematurity of development and
- any other identified material considerations.

As this application is for planning permission in principle, it requires a condition that the development in question will not begin until there is approval of matters specified in the condition by the planning authority. This report will consider which matters shall be included in this condition.

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 Sustainable Places policies 1, 2, 3, 4, 5, 6, 7, 9, 12, 13
- NPF4 Liveable Places policies 14, 15, 18, 22
- NPF 4 Productive Places policy 26

- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10
- LDP Transport policies Tra 2 Tra 3 and Tra 4, Tra 7
- LDP Environment policies Env 12, Env 15, Env 21, Env 22
- LDP Housing policy Hou 7

The Edinburgh Design Guidance is a material consideration when considering LDP Design, Amenity and Transport Policies.

The West Edinburgh Strategic Design Framework 13 May 2010 states that, "West Edinburgh is an area of national economic importance with significant potential to attract inward investment, create new jobs and develop new visitor infrastructure and facilities in a high quality and sustainable environment. Scottish Planning Policy (now superseded by NPF4) in the form of the West Edinburgh Planning Framework (WEPF) recognised the potential of the area and required the preparation of strategic design guidance to help deliver the vision." The Framework will be superseded by the West Edinburgh Placemaking Framework and Strategic Masterplan which will be reported to Planning Committee in due course and does not include Newbridge.

Principle of Development - Proposed Use

Land Use: -

Land Use - Business and Industry Use

NPF4 Policy 26 supports development proposals for business and industry uses on sites allocated for those uses in the LDP. In addition, it supports development proposals for business and industry uses where they are compatible with the primary business function of the area and enable alternative ways of working such as home working, live-work units and micro-businesses. Outwith designated sites, proposals for business and industry will only be permitted where:

- i. It is demonstrated that there are no suitable alternatives allocated in the LDP or identified in the employment land audit; and
- ii. The nature and scale of the activity will be compatible with the surrounding area.

The proposal would provide a range of sizes of the warehouse buildings and industrial units could also contribute to alternative ways of working as they would be easily adaptable, e.g., for micro-businesses. The site is not, however, designated for business and industry and while the nature and scale of business activity would be compatible with the surrounding area, it has not been demonstrated that there are no suitable alternative sites allocated in the LDP.

The proposals do not therefore accord with NPF4 Policy 26.

Economic Development has advised that the development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network. It has also advised that that a development of this scale could be expected to directly support approximately 347 FTE jobs and could be expected to directly add £18.544 million of GVA per annum (2020 prices) to the economy of Edinburgh if fully occupied.

NPF4 policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The proposed development will re-use an existing brownfield site, which has been brownfield for almost a quarter of a century. It will reduce the need to release greenfield land for the rising demand for warehousing which has been identified in the applicant's supporting information and highlighted by the Council's Economic Development Team.

The proposal will contribute to the wider regeneration and improvement of the wider area by redeveloping a vacant site which is not contributing positively to the surrounding area nor to the residential community. It will provide employment which would be within walking distance of local workers, which would be in line with the intent of NPF4 Policy 15 (Local Living and 20 Minute Neighbourhoods), and improve landscape setting. A range of business unit sizes is proposed and, although, in the form of warehousing and smaller business/trade units, would be flexible to enable a range of businesses to locate in the proposed business and industrial estate.

The surrounding area to the south and east of the site has a business and industry character. There are warehouses and business units of differing sizes and industrial manufacturing too. The application site still retains an element of its former industrial character and will be compatible with the concentration of business and industry uses to the south and east. Environmental Protection has advised that it prefers non-residential use on the site due to the amenity impacts on future residents (from odours from adjacent use). In this context, a business and industrial land use is acceptable.

The proposals include elements of retail use. It will be necessary to limit the amount of retail and preclude food and convenience retail as the site is not in a defined retail centre. This can be done by condition.

Land Use - Housing Allocation and Extant Planning Permission

The application site is identified for housing in the LDP (HSG4 - West Newbridge) and in Table 3 (Existing Housing Proposals) with an estimated capacity of 500 units. In the LDP Housing Land Study June 2014, the application site is listed under "Constrained sites not contributing to requirement".

Whilst little weight can be given to the Proposed City Plan 2030, it is pertinent to note that the site is also listed (in Part 4, Table 2) as an existing LDP housing site. Estimated capacity of the site is 500 residential units.

Planning permission in principle for residential development (application number 07/04646/OUT) remains extant as material operations have been carried out under related AMC application (application number 19/01848/AMC).

The factory previously occupying the site (Continental Tyres) closed in 1999 with the buildings now demolished. Since gaining permission in 2014, no housebuilder has shown interest or come forward to develop the site, which has now lain vacant for 24 years. The application site has not contributed to the delivery of housing through the LDP, and no residential units have been constructed. There is no delivery programme or housing developer committed to developing the site for residential development. This means that although housing be deliverable on site and the site remaining as a housing allocation site in the Proposed City Plan 2030, it cannot be guaranteed that housing will actually be built on the site within the Proposed City Plan 2030 timeframe.

Evidence submitted for this application in the Statement in Support of the Development of the Site for Commercial Use provided by the applicant it is stated that the site that despite "extensive marketing and notwithstanding a number of development proposals were progressed and a variety of parties expressed an interest in developing the site, including for residential development, none have progressed." The Statement also states that "...despite successive attempts, the site has failed to be realised for residential development even although it has been assessed by a number of national housebuilders."

Given the constraints on the site, such as the Airport Safety Zone, noise and odours from an adjacent factory, together with a lack of commitment from housebuilders, it is unlikely that housing *will* be delivered on the site. Aircraft noise is the most significant noise affecting the site with noise also from the railway and industry also present. Reference to the impact of noise from aircraft on the health of occupants in the Statement of Support which raises the matter of it leading to poor amenity, disturbance and the impact on outdoor amenity. Commercial uses would not need to consider such high levels of amenity and, therefore, the proposed business and industry development is in a position where it can be implemented, should planning permission be granted.

Impact on the delivery of housing numbers through the development plan will be negligible if residential units were not built on the application site. This is due to planning permissions being granted on sites not identified for housing in the LDP or Proposed City Plan 2030. Such permissions would balance out the 500 units capacity (as stated in the LDP) not being built on HSG4 (West Newbridge i.e., the application site). An example includes the Garden District (Gogar Station Road; 15/04318/PPP) which was granted being called in by Scottish Ministers (4 April 2022; NOD-EDB-002) with condition 2 setting a maximum of 1,350 residential units. Therefore, the required amount of housing land could still be achieved without LDP housing site HSG4.

As this application relates to a small part of the larger 07/04646/OUT application site, there would still be scope to provide housing on the remainder of the larger site. Based on the proposed housing layout, in the site wide locality plan drawing number 04A, for 19/001848/AMC (relating to 07/04646/OUT), this would be achievable with the exception of the part on which the current proposals relate. This means that some of the housing allocation could still be retained.

Conclusion - Principle of Development / Proposed Land Use

In these exceptional circumstances, a departure from the development plan is acceptable in this instance and the proposed land use for business and industry will support the local, regional and national economy. The proposal will re-use a former industrial site for business and industry uses and help provide for the rising demand for warehousing in Edinburgh, without the need to use greenfield land. Given that housing has not been delivered on the site since planning permission was granted in 2014 and the difficulty with overcoming the constraints for housing on the site, it is considered that the housing allocation on the site is not effective and will be unable to be delivered.

Historic Assets

NPF4 Policy 7 states that development proposals affecting scheduled monuments will only be supported where:

- i. direct impacts on the scheduled monument are avoided;
- ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
- iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.

Huly Hill, Cairn and Stone Circle is a Scheduled Monument (Ref: SM1160; date added 31/01/1931) to the east of the application site and south west of the Newbridge roundabout which links the M8 and M9. The monument is of national importance because of its potential to contribute to the understanding of prehistoric ritual and funerary practices. It is part of a larger ceremonial complex, with an outlier (scheduled separately to the east), of a kind unusual in southern Scotland.

The proposed development will not change the relationship between the application site and the Scheduled Monument. Therefore, the setting of the Scheduled Monument will not be detrimentally affected by the proposal and the proposal complies with NPF4 Policy 7(h).

NPF4 Policy 7 (Historic assets and places) requires that where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts.

The City Archaeologist has advised that the site occurs within an area of archaeological significance and that ground works associated with development may uncover significant archaeological deposits principally relating to the area's prehistoric occupation such as burials. It is recommended, therefore, that a programme of archaeological works is undertaken prior to and during development to fully excavate, record and analysis any significant remains that may be affected.

The use of a condition requiring a Programme of Archaeological Work will ensure that there will be no impact on archaeology. Therefore, the proposal complies with NPF4 policy 7(o).

Climate Mitigation and Adaptation

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

The proposal will use previously developed land, and this is compatible with NPF4 Policy 9 which aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The River Almond Site of Importance for Nature Conservation (SINC), although outwith the application site red line boundary, will remain undeveloped with some rewilding proposed enabling it to continue to contribute to climate mitigation and adaptation.

The application site is located in a sustainable location near to public transport links and existing infrastructure. The EV charging station/area will encourage the use of more environmentally friendly vehicles and contribute to EV infrastructure particularly as it is so close to major trunk road network of the M8/M9. Frequent bus services between the City and West Lothian run nearby on the A89. The proposal will be sustainable and be in line with NPF4 policies 1 and 2.

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding. LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

SEPA has advised that it has no objection to the application and commented that, "Based on the topographic information provided, and as the site is outwith the SEPA Flood Map (fluvial) and we hold no records of flooding, we have no objection to the development on flood risk grounds."

Flood Planning has advised. that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flooding issues.

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

Natural Environment - Biodiversity and sustainability

NPF4 Policy 3 (Biodiversity) requires that proposals for local development include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. NPF4 Policy 6 (Forestry, woodland and trees) intent is to protect and expand forests, woodlands and trees and aims for woodland and trees on development sites to be sustainably managed.

The River Almond corridor is a Site of Importance for Nature Conservation (SINC), a Local Nature Conservation Site (LNCS) and, therefore, LDP policy Env 15 (Sites of Local Importance) and NPF4 Policy 4 (Natural Places) aims to protect, restore and enhance natural assets making best use of nature-based solutions. It is also applicable to ensure that there is no adverse impact on flora, fauna, landscape or geological features or on protected species.

Soft landscaping proposed throughout the application site will have the opportunity to provide some enhancements to biodiversity and sustainability. Protection and rewilding of the River Almond SINC/LNS will contribute to biodiversity and sustainability, although it is not part of this detailed planning application. This complies with NPF 4 Policy 3 and NPF4 Policy 4.

The Ecological Survey Report recommends biodiversity enhancements should be included in the landscape plan. Existing trees forming an avenue will be retained. To ensure a comprehensive approach to landscaping, including trees, and biodiversity across the application site, it is recommended that conditions are attached to the planning permission should it be granted. The proposal would also comply with LDP policy Env 12.

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

Design, Quality and Place

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

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

The condition of the site has not been contributing positively to a sense of place. By bringing the site back into use, it will provide employment opportunities within walking distance of residential areas in the village and near to public transport routes. In terms of character of the wider area, it will add to the employment and industry uses whilst acknowledging and respecting the residential properties concentrated to the west of Newbridge.

The proposed buildings are of a design which is functional and utilitarian. They will not detract from the character of the wider surrounding area. Materials proposed are acceptable and will blend in with the industrial buildings to east and south.

Landscaping

Extending the existing avenue of trees, just within the site entrance, is welcomed. It will provide a strong linear feature as well as a softer appearance both on the approach into the site and within it. Smaller areas of landscaping throughout the site will provide a softer setting as well as contributing to biodiversity and wildlife opportunities.

Amenity

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

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

Neighbouring Amenity

It has been demonstrated in the Background Information that there will not be an unreasonable adverse impact on nearby residential properties in terms of loss of daylight or loss of sunlight. However, noise impact on neighbouring properties requires to be considered.

The proposed development will not have an adverse impact on the amenity of neighbouring plastics factory which is outwith the (former Continental Tyres) factory site and not adjacent to this application site. A letter of objection has raised the matters of odours from the existing neighbouring plastics factory impacting on future occupiers and emissions from the potential operations. An informative is recommended regarding a Construction Management Plan. However, it is not appropriate for the planning authority to protect industrial use from an existing industrial use. In terms of emissions from potential operations, this would be controlled under other legislation.

Noise

A Noise Impact Assessment (NIA) has been submitted and it identifies several noise sources that will require mitigation. The noise sources include fixed plant and machinery inside the buildings, fixed plant on the roof or walls, loading/unloading at docking bays and outside. Environmental Protection has recommended conditions to ensure the requirements and recommendations of the NIA are incorporated into the development. To protect neighbouring amenity, Environmental Protection has also recommended the use of conditions relating to noise from plant, acoustic barriers, sound insulation of buildings and hours of operation for deliveries and collections.

Noise impact on neighbouring properties will be mitigated with the use of conditions, should planning permission be granted.

Air Quality and Energy

Environmental Protection has recommended a condition be used to require a scheme for meeting the onsite heat and energy demand including provisions for renewables.

The site is located near to the Air Quality Management Area (AQMA) on Glasgow Road. The applicant has provided an air quality impact assessment that has been assessed by Environmental Protection. Traffic will be generated from the proposal, including heavy goods vehicles, which may travel through the AQMA. The applicant has committed to installing Electric vehicle charger at a ratio of 1 in 6 spaces which is the minimum requirement under the Edinburgh Design Standards. The applicant should consider increasing the number of EV charging points to meet this demand. Due to the size and scale of this proposal it is likely that development will take many years and during this period the ban on the sale of internal combustion engine cars will be introduced. Providing Electric Vehicle Charging Points to encourage more electric vehicles will reduce the impact on air quality and contribute to the AQMA.

An informative is recommended in relation to a Construction Environmental Management Plan (CEMP) and a condition is recommended in relation to a Construction Management Plan.

Future Occupiers' Amenity

Breakout areas outside with seating for future workers/staff are proposed. This will contribute to amenity including wellbeing.

It is acknowledged that there are odours from the neighbouring factory to the south west of the application site and that these may impact on future occupants and employees of the proposed development. Planning policies are not designed to protect the amenity of business users and Environmental Protection has not raised any concerns regarding this matter. Outside amenity space use and duration of its use will be expected to be less than that for residential use and likely to be limited to hours of operation. Industrial use is a less sensitive use when compared to residential use and the proposed use is more compatible with the adjacent use and other industrial uses in the vicinity. For example, it will not result in housing with people living under the flight path. Therefore, the proposed use will not experience the same level of impact on amenity compared to housing.

Ground Contamination

Due to the historic uses on the site contaminated land is also a serious issue and a condition requiring Site Investigation is recommended.

Transport

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

A Transport Statement has been submitted in support of the application which provides an assessment of the transport considerations associated with the proposal.

Transport Scotland has advised that the Director does not propose to advise against the granting of permission.

The Roads Authority (Transport Planning) has advised that it has no objections to the application subject to conditions or informatives relating to accesses open for public use in terms of the statutory definition of roads, maintenance responsibility for underground water storage/attenuation, Quality Audit, Travel Plan, new road names, parking spaces adjacent to the carriageway, Road Construction Consent, Disable Persons Parking Places and maintenance schedule for SUDS infrastructure.

The Roads Authority confirmed that the proposed cycle parking, including non-standard bicycle parking, and car parking spaces, including accessible bays and EV charging spaces complies with the Council's parking standards.

Little weight can be given to the public transport safeguard through the site in the Proposed City Plan 2030 and an informative is recommended. The indicative masterplan has shown that the safeguard could be accommodated in the proposed development.

The Roads Authority has not raised any road safety matters.

The City of Edinburgh Council is working with West Lothian Council to look at public transport and active travel links in the area along the A8/A89 between Broxburn to Maybury. Known as Broxburn to Maybury Transport Improvements, this is a major transport improvement project which aims to better connect communities with major employment, education, healthcare and leisure opportunities. The project is funded through the Edinburgh and South East Scotland City Region Deal. Public consultation has taken place over the last few months with the findings still to be reported on. The planning application site will be able to accommodate the public transport safeguard in the Proposed City Plan 2030 through the site, and also through the larger site (i.e. 23/01423/PPP), which would enable the proposed development to contribute to the improvement of connections and public transport in the area and near the A8/A89 corridor.

Environmental Protection has recommended a condition relating to electric vehicle charging points to ensure that an appropriate scheme for installing Electric Vehicle Charging Points is provided.

Waste

NPF 4 Policy 12 intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. It is the responsibility of the developer and operators of the development to ensure that their waste strategy complies with the relevant legislation. Bin stores will be provided on site.

Conclusion in relation to the Development Plan

The proposal does not comply with the existing development plan as the site is identified as a housing site, contrary to allocation HSG4 in the LDP and Policy 26 of NPF4. Whilst the proposed development is contrary to the LDP 2016 and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation.

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

The following material planning considerations have been identified:

Emerging policy context - prematurity of development and prejudice to the emerging plan

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 (City Plan) and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. Examination of City Plan remains ongoing and at this time little weight can be attached to it as a material consideration in the determination of this application. However, in light of City Plan being at Examination and this site being allocated for housing, as a matter of law prematurity is an issue which requires to be considered in the determination of this application.

Prematurity is simply one relevant material consideration among others and the weight attached to it is a matter of planning judgement that needs to be considered on the individual facts and circumstances of each case. This flexibility is not entirely unfettered and there is a need to adopt a consistent approach when dealing with similar applications and issues.

The key question on prematurity is whether the development proposed is so substantial, or its cumulative effects would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging plan.

The application site forms part of a site identified in Proposed City Plan 2030 as a housing site (HSG4). It is identified as potentially contributing towards meeting the requirements of City Plan with a notional capacity of 490 units (note: LDP capacity was 500 units). It is therefore considered that issues concerning prematurity are engaged and reference is made to the three appeal decisions PPA-230-2370 (21/04210/PPP) (West Craigs), PPA-230-2361(21/00217/FUL) (Airport Road) and PPA-230-2333 (20/03219/PPP) (Crosswinds) where various types of development have been considered in relation to prematurity, whether that be specifically referenced or inferred from the nature of the decisions.

While prematurity is engaged, the proposal is not of such a scale and nature that it is not considered to prejudice the plan making process. The Proposed City Plan 2030 identifies the need to for a city housing land requirement for 44,293 housing units (which includes a general allowance of 20%) over a ten year period. The Housing Land Supply is estimated at being 57,428. The application site represents 1.1% of the housing target or 0.85% of housing land supply. This coupled with the fact that the site is an existing site carried forward into the emerging Proposed City Plan 2030 by the fact that it is isolated from the major development area of West Edinburgh, where it is anticipated that 10,500 housing units would suggest that the loss of a site estimated to have a capacity of 490 units is not significant. In the wider context for housing land and housing allocation across the city, this site will only provide a miniscule contribution. FIR 021 notes that in terms of programming, the future of the site is uncertain.

In conclusion, while issues concerning prematurity are engaged in this case, it is not considered having regard to the scale of development, the location of the development and the constraints on the site for residential use, that the loss of this site towards an adverse impact on housing would be so significant as to undermine the plan making process. The proposal will use a small part of the larger site and, therefore, housing allocation on HSG4 would remain, albeit with a reduced number of residential units. The extant permission could be mostly implemented except on the east side of the site where the current proposal will be located. As such, the proposal would not prevent the delivery of housing on the wider site. The proposal is not of sufficient scale to conclude that the application should be refused on prematurity grounds. Therefore, it is not considered that the application should be refused on prematurity grounds.

Other Material Considerations

Both the most recent agreed housing land audit and the previous housing land audit for the LDP in 2014 identify it as a constrained site. The Proposed City Plan 2030 recognises environmental concerns due to the proximity of the site to industrial uses and impact of aircraft noise and the need must be addressed through a comprehensive master plan. Planning Advice Note 2/2010 Affordable Housing and Housing Land Audits advises that where sites are identified as non-effective, audits should identify the nature of the constraint and actions including a timeline to make the land effective, otherwise where it is not possible to remove development constraints, sites should be removed from the housing land audit of housing land supply. In this case, although the site has been known to be constrained since at least 2014, over the past seven years, it has not been possible to remove the development constraints.

In this case there are three major constraints:

- part of the site is undevelopable as it forms part of the airport safety zone and cannot be developed;
- the site is constrained by lying under the flight path from Edinburgh Airport and the associated noise this generates associated with take-offs and landings; and
- the site is in close proximity to plastics manufacturing facility where there are issues with odours which cannot be mitigated against by actions on the application site.

The first two constraints cannot be removed as to achieve this would require moving the location of the airport or changing the take-off and landing zones. The costs of such changes would far outweigh any benefits to making the site effective for housing development. The third constraint relates to odours from the adjacent plastics factory. This would involve mitigation measures being carried out by a third party over which the applicant has no control. Despite the existence of an extant planning permission with details of odour mitigation measures, it is considered unlikely that there is a reasonable prospect of this matter being resolved during the plan period.

While a certain degree of noise can be mitigated against in terms of acoustic glazing, Environmental Protection advised for 07/04646/OUT that residential properties on the site would suffer poor amenity due to aircraft noise. A portion of the site was identified in the odour assessment for 07/04646/OUT as not being suitable for residential development and the odour assessment report provided for 19/01848/AMC identified mitigation measures recommending that two 18m stacks be installed at the factory. However, this relies on a third party implementing the mitigation.

The amenity of the site is severely compromised, and this is reflected in the fact that the site has not been taken forward by any housing developers despite the existence of the extant planning permission.

In conclusion, the site is constrained and not effective. The constraints are unlikely to be overcome within the timeframe identified in the Council's response to the Reporter for the Examination of the Proposed City Plan 2030 for delivery of housing. In addition, no housebuilders have shown an interest or committed to developing the site and, therefore, there is no timeframe for the delivery of housing on the site. In such circumstances, development of the site for industrial purposes is considered to be an appropriate proposal and outweigh the position set out in the extant development plan and the emerging Proposed City Plan 2030.

Industrial Unit Demand

Rydens, acting on behalf of the applicant, has advised that there has been, at a macro level, significant structural changes for industrial property in the UK over the last 30 to 40 years. Examples include a reduction in manufacturing and a growth in warehousing demand due to growth in online retailing. In the Edinburgh context, it advises that, industrial land has changed and lost to housing and office use. This has meant that many of the displaced industrial occupiers have struggled to find suitable alternative properties within the Edinburgh area and as a result have looked outwith the city boundary to secure premises. In recent years, there has been very limited new industrial development due to shortage of available space and strong demand. The major increase in online retailing and business supply chain needs to be served by a last mile delivery network that is in close proximity to the population. This requires good stock of well located industrial space and Edinburgh is struggling to meet this demand. Newbridge represents an excellent opportunity in this respect. The proposed development has the potential to create significant jobs and investment for the local economy.

The Council's Commercial & Investment Team in Economic Development has advised that there is a major undersupply of industrial space in Edinburgh and that the proposal will deliver new units in a range of sizes in close proximity to the national trunk road network.

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:

material considerations

- contrary to development plan. Addressed in section a).
- odours (from neighbouring factory) impact on future occupiers' amenity. Addressed in sections a and b).
- emissions from existing & proposed development. Addressed in section a).
- increased traffic; type of traffic; nature of vehicle movements; congestion; Transport Assessment. Addressed in section a).
- traffic pollution. Addressed in section a).
- Construction Management Plan for construction traffic.
- sustainable transport. Addressed in section a).

non-material considerations

- impact on services and utilities to neighbouring properties.

Conclusion in relation to identified material considerations

Overall conclusion

The proposal is contrary to the development plan in relations to its allocation for housing under the Edinburgh Local Development Plan (LDP) 2016 and Policy 26 of NPF4 as the site is not allocated for business and industry. Whilst the proposed development is contrary to the LDP and NPF4 Policy 26 (Business and Industry), it meets the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity are engaged but the development proposal is not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030.

There are special circumstances which justify granting permission for the development which is contrary to the development plan. Delivering housing on the site has not been achieved during the LDP period and based on the evidence submitted with the application it is considered that there are severe constraints on delivery and that it is unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal will contribute to the local, regional and national economy by reusing a former vacant industrial site. It is sustainably located in terms of transport links and will re-use brownfield land, enhance biodiversity and mitigate for the climate and nature crises. The limited transport and archaeology issues can be appropriately addressed by condition. There are no flooding issues. In this context, the proposal is acceptable and it is recommended that the application be granted subject to conditions. There are no other 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 the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, community engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

4. Prior to the commencement of development, a comprehensive landscaping masterplan for the application site be submitted to and approved by the Planning Authority in writing. It shall include biodiversity and wildlife habitats enhancements.
5. The development shall be built in accordance with the requirements and recommendations of the noise impact assessment (Noise Impact Assessment AS 0974 Newbridge; Air shed, 13 March 2023).
6. Development shall not commence until a scheme for installing Electric Vehicle Charging Points including provisions for rapid chargers have been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
7. Development shall not commence until a scheme for meeting the onsite heat and energy demand including provisions for renewables have been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied and evidenced to and approved in writing by the Planning Authority.
8. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that: (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Prior to the commencement of development, a masterplan showing detailed biodiversity enhancements for the site to be submitted to and approved in writing by the Planning Authority. It should show relationship to wider former factory site.

9. Development shall not begin until a construction management strategy has been submitted to and approved in writing by the Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall include the following matters:
 - details of the area(s) subject to construction activity and the storage of materials and equipment
 - details of cranes and other tall construction equipment (including the details of obstacle lighting)

Such schemes shall comply with Advice Note 4 'Cranes' (available at <http://www.aoa.org.uk/policycampaigns/operations-safety/>).

- details of temporary lighting - Such details shall comply with Advice Note 2 'Lighting' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
- control and disposal of putrescible waste to prevent attraction of birds- site restoration.

The approved strategy (or any variation approved in writing by the Planning Authority) shall be implemented for the duration of the construction period.

10. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
- management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 "Wildlife Hazards";
 - monitoring of any standing water within the site temporary or permanent;
 - physical arrangements for the collecting (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
 - Signs deterring people from feeding the birds.

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

11. Before development commences details of the permanent lighting scheme(s) for the development shall be submitted to the Planning Authority for their written approval. Lighting schemes should be of a flat glass, full cut off design, mounted horizontally, and shall ensure there is no light spill above the horizontal. The approved lighting scheme is to be implemented upon completion of the development, no subsequent alterations shall take place unless first submitted to and approved in writing by the Planning Authority.
12. No development shall take place until full details of the solar PV scheme including a Glint & Glare Assessment have been submitted to and approved in writing by the Local Planning Authority. This must be conducted by a competent body. No subsequent alterations to the approved schemes are to take place unless submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.
13. No structure may be erected, unless and until such time as the Local Planning Authority receive confirmation from the Airport Operator in writing that:
- (a) an IFP Assessment has demonstrated that an IFP Scheme is not required; or
 - (b) if an IFP Scheme is required such a scheme has been approved by the Airport Operator; and
 - (c) if an IFP Scheme is required the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and
 - (d) if an IFP Scheme is required the scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

14. A Habitat Management Plan for the area of site and relationship to wider site area and adjacent Local Nature Conservation Site should be produced taking on board the recommendations and details included within the Ecology Survey Report (Version 2 dated 20 March 2023).
15. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
16. The maximum amount of retail use shall not exceed five units or ten percent of the total floor area accommodation (i.e.10% of 12,486 sqm) whichever is the greater.
17. No food retail use shall be accommodated in the units.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In the interests of airport safety.
9. In the interests of airport safety.
10. In the interests of airport safety.
11. In the interests of airport safety.
12. In the interests of airport safety.
13. In the interest of airport safety.
14. To ensure natural habitat is enhanced and not harmed.
15. In order to safeguard the amenity of neighbouring residents and other occupiers.
16. In order to retain business and industry use and space.

17. In order to preserve and retain business and industrial use and floor space on the site.

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. Public Transport Route WE20 in the Proposed City Plan 2030 should be safeguarded through the site. At least 11m wide public transport route corridor (6.5m wide road and 2m wide footway on both sides) should be safeguarded on the north side of the site to ensure successful implementation of this safeguard.
3. Note the requirement for trade waste producers to comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling. This would require separate storage space (off street) for the segregation of the different waste streams arising from their commercial activities.
4. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice (design and implementation) should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
5. European protected species (EPS) have full protection under The Conservation of Habitats and Species Regulations 2017. It's an offence to deliberately capture, injure or kill, or deliberately disturb EPS. Should EPS be found before or during construction works, NatureScot must be informed as an European Protected Species licence may be required.
6. No trees, bushes or shrubs to be removed during bird nesting season and works to be stopped if a nest is found.
7. The applicant will need to produce a CEMP to ensure that neighbouring amenity is not adversely affected during the construction phase.

8. All accesses particularly the proposed public transport route safeguard WE20 must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Loading and waiting restrictions is required on the proposed WE20 safeguard to future proof it from the internal operations of the industrial unit.
9. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
10. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
11. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
12. The applicant should note that new road names may / will be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
13. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
14. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
15. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
16. 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: 18 April 2023

Drawing Numbers/Scheme

01, 02, 03A, 04, 05A, 06A, 07, 08A, 09A, 10A, 11, 12A,13, 14A, 15, 16, 17A, 18, 19A, 20, 21, 22A, 23, 24, 25, 26.

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

Summary of Consultation Responses

NAME: Aerodrome Safeguarding - Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to conditions:

Construction Management Strategy

Bird Hazard Management Plan

Scheme for the Permanent Lighting of the Development

Submission of Details for PV Schemes

Instrument Flight Procedure (IFP) Assessment

DATE: 11 May 2023

NAME: Network Rail

COMMENT: After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore has neither any objections to this application nor any comments to make.

DATE: 15 May 2023

NAME: SEPA

COMMENT: We have no objection to this application.

DATE: 11 May 2023

NAME: Scottish Water

COMMENT: Scottish Water has no objection to this planning application.

DATE: 25 May 2023

NAME: Flood Planning

COMMENT: This application (23/01421/FUL) can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 7 November 2023

NAME: Economic Development

COMMENT: The site does not currently support any significant economic activity. It is estimated that the proposed redevelopment could support 347 FTE jobs and £18.544 million of GVA per annum (2020 prices) if fully occupied.

The development will address the major undersupply of industrial space in Edinburgh, delivering new units of a range of sizes in close proximity to the national trunk road network.

DATE: 26 April 2023

NAME: Environmental Protection

COMMENT: Environmental Protection offers no objection to the application subject to conditions and informatives relating to:

1. The development shall be built and operated in accordance with the requirements and recommendations of the noise impact assessment (Noise Impact Assessment AS 0974 Newbridge; Airshed, 13 March 2023).

2. Noise from all plant complying with NR25.
3. Details on the required acoustic barriers, sound insulation details of the building and hours of operation for deliveries and collections
4. A scheme for protecting the occupiers of the residential units located at Riverside streets.
5. A scheme for installing Electric Vehicle Charging Points.
6. A scheme for meeting the onsite heat and energy demand including provisions for renewables.
7. Site Survey investigations and, where necessary, remedial measures.

Construction and Environmental Management Plan
Good duct practice - design and implementation
DATE: 8 November 2023

NAME: Transport Scotland
COMMENT: The Director does not propose to advise against the granting of permission.
DATE: 18 July 2023

NAME: Transport Planning (Roads Authority)
COMMENT: No objections to the application subject to conditions or informatives as appropriate relating to the following:

- accesses open for public use
- Road Construction Consent
- maintenance responsibility for underground water storage / attenuation
- Quality Audit
- Travel Plan
- New road names
- parking spaces adjacent to carriageway
- Disabled Persons Parking Places
- maintenance schedule for SUDS infrastructure

Note:-

The applicant proposes a total of 106 cycle parking spaces of which 22 are non-standard bike parking spaces and complies with the Council's Parking standards.

- The proposed 57 car parking spaces including 6 accessible bays and 9 EV charging spaces complies with the Council parking standards.

DATE: 9 November 2023

NAME: Archaeologist
COMMENT: Archaeological field work since 2001 has demonstrated that Newbridge has been extensively occupied since the Neolithic Period, with evidence also of possible earlier Mesolithic occupation dating back over 6000 years.

Newbridge is centred upon a nationally important ritual complex off Huly Hill, located immediately to the east of the main entrance, comprising the remains of a Neolithic Stone Circle (with possible outlying stone alignments) with a central Bronze Age Burial Cairn.

The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Condition recommended: -

'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, community engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

DATE: 10 May 2023

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

Location Plan



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