

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00am, Wednesday, 24th January, 2024**

Dean of Guild Court Room - City Chambers

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

### Contacts

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## 1. Order of business

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### 1.1 Order of Business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 22 January 2024** (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

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### 2.1 Declaration of interests

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

## 3. Minutes

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|-----|---|--------|
| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee of 22 November 2023 – submitted for approval as a | 9 - 20 |
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correct record.

- 3.2** Minutes of Previous Meeting of Development Management Sub-Committee of 6 December 2023 – submitted for approval as a correct record. 21 - 40

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

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

- 4.1** 68 Inverleith Row, Edinburgh, EH3 5LT - S42 application for non-compliance with condition No. 1 of planning permission 22/03124/FUL - application no.23/06424/FUL - Report by the Chief Planning Officer 41 - 50

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

- 4.2** Totlely Wells Grange, Westfield, Totlely Wells - Stationing of three shepherd's huts for short-term holiday let use - application no.23/02466/FULSTL - Report by the Chief Planning Officer 51 - 60

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

- 4.3** Totlely Wells Grange, Westfield, Totlely Wells - Change of Use from dwelling to short-term let (Sui Generis) - application no.23/02467/FULSTL - Report by the Chief Planning Officer 61 - 68

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

## **5. Returning Applications**

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**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** 22 Inglis Green Road, Edinburgh, EH14 2HZ - Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended) - application no.22/02233/FUL - Report by the Chief Planning Officer 69 - 70
- It is recommended that this application be **GRANTED**.

## **6. Applications for Hearing**

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**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** 6.1  
None.

## **7. Applications for Detailed Presentation**

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**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** 1 Regheughs Avenue, Edinburgh, EH12 9RH - Office development (Class 4), provision of a mobility hub, ancillary retail (Class 1) food and drink (Class 3/Sui Generis) and leisure uses (Class 11), landscaping, car parking, access, infrastructure and associated works. (AS AMENDED) - application no. 22/05659/FUL - Report by the Chief Planning Officer 71 - 94
- It is recommended that this application be **GRANTED**.
- 7.2** 16 Sibbald Walk, Edinburgh (land east of) - Erection of mixed-use development comprising student accommodation, affordable housing, and commercial / community use (class 1A and / or Class 3) with associated landscaping, infrastructure and access arrangements. (as amended) - application no.23/03463/FUL - Report by the Chief Planning Officer 95 - 126
- It is recommended that this application be **GRANTED**.

## **8. Returning Applications Following Site Visit**

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**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**      8.1  
None.

### **Nick Smith**

Service Director, Legal and Assurance

## **Committee Members**

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

## **Information about the Development Management Sub-Committee**

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

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Taylor Ward, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, , email [taylor.ward@edinburgh.gov.uk](mailto:taylor.ward@edinburgh.gov.uk) / [blair.ritchie@edinburgh.gov.uk](mailto:blair.ritchie@edinburgh.gov.uk).

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to [www.edinburgh.gov.uk/cpol](http://www.edinburgh.gov.uk/cpol).

## **Webcasting of Council meetings**

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Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

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Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

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](mailto:committee.services@edinburgh.gov.uk)).

# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00am, Wednesday 22 November 2023**

**Present:**

Councillors Osler (Convener), Beal, Burgess (substituting for Councillor Booth), Cameron (Items 1.1-6.2), Dalgleish, Gardiner, Jones, Mattos-Coelho, Mowat and Staniforth.

### 1. Minutes

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**Decision**

To approve the minute of the Development Management Sub-Committee of the 25 October 2023 as a correct record.

### 2. General Applications and Miscellaneous Business

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

**Requests for a Presentation**

Councillor Booth requested a presentation on Item 4.3 - plot A1, Western Harbour View, EH6 6PG, Edinburgh – application no. 23/06110/PAN.

Councillor Osler requested a presentation on Item 4.6 - 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

Councillor Staniforth requested a presentation on Item 4.6 - 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

**Requests for a Hearing**

Ward Councillor O'Neill requested a hearing for Item 4.6 – 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

**Decision**

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

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

### 3. Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh

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The Chief Planning Officer had identified an application to be dealt with by means of a presentation for the proposed erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) at land 143 metres southeast of 94 Ocean Drive, Edinburgh – application no. – 23/01615/FUL.

#### (a) Report by the Chief Planning Officer

Planning permission was sought on land 143 Meters Southeast Of 94 Ocean Drive, Edinburgh for the proposed erection of residential development with existing landscaping and infrastructure. A site was identified for housing led, mixed use development and high-density residential development and supported at this brownfield location through both NPF4 and the LDP. The proposals would not have a negative impact on the historic environment. The additional height of the four storeys on Block A was largely in keeping with the scale and spatial structure of the extant permission. The design and materials were presented as appropriate for the context of the wider site. The layout provided 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 was presented as acceptable. There was an infringement against open space policy due to the way the block sat in the landscaped area and there were some potential infringements on daylighting on the adjacent land. Any noise implications for the site could 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 were considered as acceptable. Subject to recommended conditions and a legal agreement the proposal was presented as acceptable and broadly complied 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 were no material considerations which would indicate otherwise.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

#### (b) Hilary Ford and Robert Drysdale

Hilary Ford introduced herself as a local resident objecting the proposal. Leith was a historically important industrial and working area of the city and was increasingly popular as a tourist destination. The proposal and the scale of development were described as a threat to the balance of old and new, creating a dangerous new vernacular in terms of scale and height, and would detract from the visual amenity of what made Leith such a popular place to live and visit. Ms Ford highlighted a few specific aspects of this proposal which were contrary to the Council's Local Development Plan. The proposed building would be the highest in the area and was designed to provide small flats which would also affect the population of Leith.

Robert Drysdale objected to this proposal due to access to the public open space and visual impact. He presented a map showing the distance to the nearest part from the proposed development which was contrary to Council Open Space Strategy. Mr



Drysdale presented photographs to visualise height of the existing buildings and showed a visual impact on this area which was contrary to Council's tall buildings policy.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(c) Ward Councillor Faccenda**

Councillor Faccenda addressed the Sub-Committee on behalf of the local community. She mentioned the high number of objections received, especially from Leith and Newhaven Community Council. The main concerns were about the height of the proposed development, lack of social housing, no access to green space, and pushing density to the maximum level. Councillor Faccenda stated that this proposal would have a visual impact on the area and would transform it in a negative way along with increasing the stress caused by limited parking space. She referred to the Design guidance as the proposed development was not in line with this framework and urged Councillors to protect Leith Community.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(d) Applicants and Applicant's Agent**

Colin Smith (Chief of Planning, Turley), Martin Bellinger (Executive Director, Goodstone Living), Charlie Whitaker (3DReid Architects) and Lee Hawkins (Construction Director, Goodstone Living) were in attendance in support of the application.

Martin Bellinger spoke about project vision delivery and timing. While there was an increase in the height of one block by four storeys, there was also an increase in landscaped area and a reduction in the parking area and an increase in cycling parking to comply with the latest policy guidance. He highlighted developers' commitment to the community.

Charlie Whitaker spoke about the advantage of active travel and great access to public transport. He explained the implications of increasing daylight. Mr Whitaker described changes made in regard to elevation.

Colin Smith referred to a number of policies and requirements that have been met to build this development. He also highlighted the affordable housing which would be delivered. The development would provide a substantial green space and had passed all required assessments.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**Decision**

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

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

#### **4. 162 Ferry Road, Edinburgh**

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Details were provided for a proposed change to planning condition to extend the opening hours of a restaurant from 20.00 to 21.00 to match existing tables and chairs licence 162 Ferry Road, Edinburgh due the high number of objections received - application no. 23/02174/FUL.

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

##### **Decision 1**

To **REFUSE** the request for a hearing.

##### **Decision 2**

##### **Motion**

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.

- moved by Councillor Mowat, seconded by Councillor Gardiner

##### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7.

- moved by Councillor Osler, seconded by Councillor Staniforth

##### **Voting**

The voting was as follows:

For the motion - 7 votes

For the amendment - 3 votes

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

For the amendment: Councillors Osler, Burgess and Staniforth.)

##### **Decision**

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.

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

#### **5. Old Liston Road, Newbridge (Land South West of)**

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An application was presented to Committee for Planning Permission in Principle for the 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.

This application was submitted alongside an application for planning permission for a proposal 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 – application no. 23/01421/FUL.

The Chief Planning Officer recommended both applications for approval.

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**(a) Report by the Chief Planning Officer**

Whilst the proposed development was contrary to the LDP in relation to its allocation for housing, and NPF4 Policy 26 (Business and Industry), as the site was not allocated for business and industry, it had met 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 were engaged but the development proposal was 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 were special circumstances which justified granting permission for the development which was contrary to the development plan. Delivering housing on the site had not been achieved during the LDP period and based on the evidence submitted with the application it was considered that there are severe constraints on delivery and that it was unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal would contribute to the local, regional, and national economy by reusing a former vacant industrial site. It was sustainably located in terms of transport links and would re-use brownfield land, enhance biodiversity and mitigate climate and nature crises. The limited transport and archaeology issues could be appropriately addressed by condition. There were no flooding issues identified. In this context, the proposal was acceptable, and it was recommended that the application be granted subject to the conditions set out in the report. There were no other material considerations that outweighed this conclusion.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Robston and Epsotech**

Philip Neaves (Planning Consultant) and Duncan Birrell (Transport Consultant) spoke on behalf of Ribston and Epsotech, the owners and occupiers respectively of the Epsotech factory at Newbridge. Mr Neaves addressed main concerns in regard to the proposal such as capacity of the network which had to be updated; noise impact assessment; and an updated transport assessment.

Duncan Birrell highlighted that the proposal was based on the old transport assessment from 2007 and was outdated. No one had assessed the composition of traffic and there was a low capacity which could create a safety issue. He requested a traffic data assessment of proposed site.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(c) Ward Councillor Lang**

Councillor Lang addressed the Sub-Committee on behalf of the local community. He highlighted the housing emergency in Edinburgh and spoke about the housing crisis in the capital. This was a site reserved for building houses by City Plan 2030 and the

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proposal was to build an industrial hub. Council had received a planning permission application to build new homes. He asked the Committee to reject this application as it was against the current development plan, and against the policy to build new houses in the housing emergency situation. The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(d) Applicants and Applicant's Agent**

Fraser Littlejohn (Planning Consultant, Montagu Evans LTD), Tim Stevenson and Mark Robertson (Ryden) were in attendance.

Tim Stevenson spoke to Committee about the company and proposal which would create a fantastic logistic park. The solar panels were considered, and bridge site was cleared up. This site would create construction and occupational jobs. He spoke about falling supply of industrial sites in Edinburgh due to high demand and redevelopment of industrial estates. He also pointed the ageing stock of industrial buildings. This site would be beneficial for number of reasons:

- Edinburgh's best industrial development opportunity
- Meets city and regional needs, replacing lost obsolete stock with modern
- Hub was energy efficient solution to a brownfield
- 1,800 long term jobs; 425 supply chain and 667 short term construction jobs
- £3.5 – 4m annual non domestic rates
- Comparable impact to a City Region Deal project, with no public subsidy

Fraser Littlejohn highlighted a strong engagement with the community and assured that issues raised would be addressed. Mark Robertson concluded that this would be a sustainable site which comply to policies and could be a home to electric charges points, a further plan included cycling spaces to support Edinburgh community.

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

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**Old Liston Road, Newbridge - application no. 23/01423/PPP**

**Motion**

To **REFUSE** planning permission in principle as the proposals were contrary to the Local Development Plan and NPF4 Policy 26.

- moved by Councillor Osler, seconded by Councillor Staniforth

**Amendment**

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

- moved by Councillor Mowat, seconded by Councillor Gardinier.

## **Voting**

For the motion - 3 votes

For the amendment - 6 votes

(For the motion: Councillors Burgess, Osler and Staniforth.)

For the amendment: Councillors Beal, Dalgleish, Gardiner, Jones, Mattos-Coelho and Mowat.)

## **Decision 1**

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

## **Old Liston Road, Newbridge - application no. 23/01421/FUL**

### **Motion**

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.

- moved by Councillor Jones, seconded by Councillor Mowat

### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to the Local Development Plan and NPF4 Policy 26.

- moved by Councillor Osler, seconded by Councillor Neil.

## **Voting**

For the motion - 7 votes

For the amendment - 2 votes

(For the motion: Councillors Burgess, Dalgleish, Gardiner, Jones, Mattos-Coelho, Mowat and Staniforth.)

For the amendment: Councillors Beal and Osler.)

## **Decision 2**

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.

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

## Appendix

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>4.1 – <a href="#">210 Craigs Road, North, at land 369 metres northeast of 210 Craigs North, Edinburgh</a></b></p>	<p>Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure. - application no. 23/04779/PAN</p>	<p>To note the key issues at this stage.</p>
<p><b>4.2 – <a href="#">13 East Mains of Ingliston, Ingliston Road, Ingliston</a></b></p>	<p>Hotel development of approximately 240 rooms across range of sizes/products. Proposal includes landscaping, associated car parking, servicing, access and ancillary development - application 23/04770/PAN</p>	<p>To note the key issues at this stage.</p>
<p><b>4.3 – <a href="#">Plot A1 Western Harbour View, Edinburgh, EH6 6PG</a></b></p>	<p>Residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan. - application no. 23/06110/PAN</p>	<ol style="list-style-type: none"> <li>1) To note the key issues at this stage.</li> <li>2) To request that the full application include details of the outcome of the screening opinion in relation to the Environmental Impact Assessment and any tree survey.</li> <li>3) To ask that any consultation include questions relating to biodiversity.</li> </ol>
<p><b>4.4 – <a href="#">Castle Gogar - Confirmation of Tree Preservation Order No. 204</a></b></p>	<p>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).</p>	<p>To confirm the Order No 204.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p><b>4.5 - <a href="#">Brunstane - Confirmation of Tree Preservation Order No. 205</a></b></p>	<p>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).</p>	<p>To confirm the Order No. 205 and revoke the corresponding previous order.</p>
<p><b>4.6 - <a href="#">162 Ferry Road, Edinburgh, EH6 4NX</a></b></p>	<p>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</p>	<p><b>Decision 1</b> To REFUSE the request for a hearing.</p> <p><b>Decision 2</b> To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. (On a division)</p>
<p><b>4.7 – <a href="#">169 Gilmore Place, Edinburgh, EH3 9PW</a></b></p>	<p>Retrospective change of use from restaurant (Class 3) and takeaway to short term let (Sui Generis) - application no. 23/04466/FULSTL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.8 – <a href="#">171 Gilmore Place, Edinburgh, EH3 9PW</a></b></p>	<p>Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04469/FULSTL</p>	<p>To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>



Agenda Item No. /	Details of Proposal/Reference No	Decision
4.9 - <a href="#">173 Gilmore Place, Edinburgh, EH3 9PW</a>	Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04471/FULSTL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
4.10 - <a href="#">1F 22 Lower Gilmore Place, Edinburgh, EH3 9NY</a>	Proposal: Change of use to short-term letting (in retrospect) - application no. 23/03781/FULSTL	To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
4.11 - <a href="#">32A Royal Circus, Edinburgh, EH3 6SS</a>	Proposal: Retrospective change from residential to short-term let apartment (Sui Generis) – application no. 23/00880/FULSTL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
4.12 - <a href="#">34 St Stephen Street, Edinburgh, EH3 5AL</a>	Proposal: Change of use from twin shop unit to two short term let Properties – application no. 23/00823/FULSTL	To <b>GRANT</b> planning permission subject to the conditions as set out in section C of the report by the Chief Planning Officer.
4.13 - <a href="#">27A Stafford Street, Edinburgh, EH3 7BJ</a>	Proposal: Change of use from office (Class 4) to short-term let (Sui Generis) (in retrospect) – application no. – 23/04324/FULSTL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.
4.14 - <a href="#">29A Stafford Street, Edinburgh, EH3 7BJ</a>	Proposal: Retrospective change of use from office (Class 4) to shortterm let (Sui Generis) – application no. – 23/04327/FULSTL	To <b>REFUSE</b> planning permission for the reasons set out in section C of the report by the Chief Planning Officer.



Agenda Item No. /	Details of Proposal/Reference No	Decision
<p><b>6.1 - <a href="#">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</a></b></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p><b>6.2 - <a href="#">Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh</a></b></p>	<p>Proposal: Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) – application no. 23/01615/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>6.3 - <a href="#">Old Liston Road - 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</a></b></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p><a href="#"><u>landscaping – application no. 23/01423/PPP</u></a>  <a href="#"><u>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</u></a></p>		
<p><b>6.4 - <a href="#"><u>Land south west of Old Liston Road, Newbridge</u></a></b></p>	<p>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 – application no. – 23/01423/PPP</p>	<p>To <b>GRANT</b> planning permission in principle subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.  (On a division)</p>
<p><b>6.5 - <a href="#"><u>Land south west of Old Liston Road, Newbridge</u></a></b></p>	<p>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 – application no. 23/01421/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.  (On a division)</p>

# Minutes

## Development Management Sub-Committee of the Planning Committee

**10.00am, Wednesday 6 December 2023**

**Present:**

Councillors Osler (Convener), Beal (item 5.1 only), Bennett (substituting for Councillor Beal) (items 4.1- 4.7, 6.1-6.5 and 7.1), Booth, Cameron (items 4.1, 4.2, 4.4, 4.6 and 6.1-6.5), Cowdy (substituting for Councillor Mowat) (items 4.1-4.7, 6.1- 6.5 and 7.1), Dalgleish (items 4.1-4.6, 5.1, 6.1-6.5 and 7.1), Gardiner (items 4.1-4.4 and 4.6, 5.1, 6.1-6.5 and 7.1), Graham (substituting for Councillor Cameron) (items 4.3, 4.5 and 4.7, 5.1 and 7.1), Jones, Mattos-Coelho (items 4.1-4.3, 4.4, 4.6, 5.1, 6.1-6.5 and 7.1), McNeese-Mechan (items 4.1,4.2, 4.4, 4.6 and 6.1-6.5) and Mumford (substituting for Councillor Staniforth).

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### 1. Minutes

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**Decision**

To approve the minute of the Development Management Sub-Committee of 8 November 2023 as a correct record.

### 2. General Applications and Miscellaneous Business

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

**Requests for a Presentation:**

Councillor Booth requested a presentation on Item 4.3 – 7 Meadowbank (Site 30 Metres Southwest of), Edinburgh – application no. 23/01153/FUL.

Councillor Booth requested a presentation on Item 4.5 – 42 Saughtonhall Avenue (Land 14 Metres Northeast of), Edinburgh – application no. 22/06009/FUL.

Councillor Booth requested a presentation on Item 4.7 – 12 West Savile Road, Edinburgh – application no. 23/03388/FUL.

**Request for a hearing:**

Ward Councillor Pogson requested a hearing on Item 4.7 – 12 West Savile Road, Edinburgh – application no. 23/03388/FUL.

**Decision**

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

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

### **3. 72-74 Eyre Place, Edinburgh**

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The Chief Planning Officer had identified two applications to be dealt with by means of a hearing: 1) Erect 7x townhouses with associated amenity space, access, cycle parking, car parking and landscaping at 72 - 74 Eyre Place, Edinburgh - application no. 23/04046/FUL; 2) Erection of student accommodation with associated amenity space, access, cycle parking, disabled car parking and landscaping at 72 - 74 Eyre Place, Edinburgh - application no. 23/04048/FUL.

Appeals against non-determination of a previous planning application for residential development on this site were dismissed by a reporter on 14 June 2023 (PPA-230- 2409). The Reporter concluded that although the principle of residential development on the site was acceptable, the application was refused.

Similarly, an appeal against non-determination of a previous planning application for student housing on this site was dismissed by a Reporter on 14 June 2023 (PPA-230-2408). The Reporter concluded that although the principle of student accommodation on the site was acceptable, the application was refused.

#### **(a) (i) Report by the Chief Planning Officer - application no. 23/04046/FUL**

The application proposed the erection of seven residential dwellings. These would be a single terrace of three storey, four bedroom townhouses. Six car parking spaces would be included to the rear of the houses, each with EV charging capabilities.

The design of the houses would feature a flat roof with blue/green capabilities, and solar photovoltaic panels. Proposed materials included a predominantly brick finish with feature areas of aluminium cladding to ground and first floor, with aluminium standing seam finish to the second floor which would have a recessed dormer appearance.

A new two metre wide publicly accessible footpath was to be formed in front of the townhouses and would extend the full length of the eastern side of Eyre Place lane.

#### **Supporting Information**

- Design & Access Statement ('D&AS')
- Heritage Statement
- Archaeological Desk Based Assessment
- S1 Sustainability Form
- Air Quality Impact Assessment
- Noise Impact Assessment
- Bat Roost Potential Survey
- Surface Water Management Plan (inc. Flood Risk Assessment)
- Transport Statement

- Phase 1 Site Investigation

**(ii) Report by Chief Planning Officer - application no. 23/04048/FUL**

The application proposed the erection of a purpose built student accommodation (PBSA) block. A total of 139 studio units were proposed.

The proposals would include communal internal amenity space for future occupiers of the development. This included spaces on the ground, first, second and fourth floor with a combined area of 226 square metres with uses such as social lounges, gym, and games rooms.

The new building would be five storeys in height at its frontage with Eyre Place, and this steps down to three storeys along the return when travelling along Eyre Place Lane. The middle part of the building would include a saw-tooth roof which would include solar panels on the south facing elements with other elements featuring a flat roof. Roof terraces would provide additional amenity space for occupiers with an area of 171 sqm. A smaller scale element of the building was proposed on its eastern side which was three storeys with a flat blue/green roof. At ground floor level, this part of the building was separated by a pend from the main block and contained ancillary uses such as plant rooms and bin stores.

Proposed materials included a predominantly sandstone finish to the front elevation facing Eyre Place. As the building stepped along Eyre Place Lane and to the side and rear elevations, the proposed block would have a brick finish with areas of gold effect cladding. To the top floor of the block grey standing seam cladding was proposed.

One off street car parking space was proposed which would be restricted for use by blue badge holders. Cycle parking provision would be at a rate of 100% with 139 spaces proposed within an internal, secured access, store in line with the Edinburgh Street Design Guidance. The bike store had allowed for varied types of bike racks to accommodate a range of bikes and locking systems and would comprise of:

- 64 two tier racks (46%);
- 47 vertical racks (34%);
- 28 non standard bike racks (20%) comprising 12 standard Sheffield stands, 8 wide Sheffield stands and 8 bike lockers.

In addition, two areas with a total of 5 Sheffield stands would provide informal and visitor parking for 10 bikes andweare located adjacent to the pend and main entrance.

**Supporting Information**

- Design and Access Statement;
- Planning Statement;
- Flood Risk Assessment and Surface Water Management Plan (SWMP);
- Ground Investigation Report;
- Archaeology Report;
- Heritage Statement;

- Air Quality Impact Assessment
- Noise Impact Assessment;
- Daylighting Study;
- Transport Statement;
- Sustainability Statement;
- Bat Roost Survey.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Newtown and Broughton Community Council**

Richard Price addressed the Development Management Sub-Committee on behalf of Newtown and Broughton Community Council. Mr Price indicated that the Community Council had been involved from the start for the pre application consultation for this brownfield site. They objected to the original proposed which was also refused by Scottish reporter, following appeal for non-determination.

The was very similar application, it ignored concerns of objectors and the Reporter, and there was a lack of interaction with the local community. Development of this site was needed but it should be the correct proposal. The PBSA Block had been reduced in height, but this created a large footprint. The figures provided did not comply with guidance, the reduction in the height of the block was insufficient and the sense of place had been further diminished. Student housing was acceptable in principle. However, regarding form height, massing, respect for local context, impact on residential amenity, the proposals were not acceptable. There had been about 450 objections and the location of the development in this residential neighbourhood was driven by financial profit rather than the benefits of this location. There were issues regarding the impact on residential amenity, outdoor spaces, access to daylight, loss of privacy and the concerns of residents. Therefore, the Sub-Committee should refuse both applications.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(c) Eyre Place Lane Owners Association**

Scott Baxter addressed the Development Management Sub-Committee on behalf of Eyre Place Land Owners Association. Mr Baxter stated that that the Association was not against the development or the provision of student housing. However, this site was not appropriate for student flats, but should be more sustainable and used for residential homes.

There were the following concerns. These included the reduction of the area of road width and lane width, which would cause problems with access to the Yard Playground

and raise safety issues. The landscaping proposals seemed to disguise a bad design. The larger footprint for student housing meant a reduction in the number of townhouses and now encroached on Eyre Place Lane. The proposal did not comply with student guidance on the provision of housing or with statutory requirements. Splitting the site into 2 sections was an attempt by the developer to avoid the provision of adequate housing. The proposed design did not enhance Eyre Place or Eyre Place Lane as it was monolithic and insensitive to the overall character of the area. Additionally, the current proposal had less amenity space than rejected Dunedin Street development.

In summary they asked that both applications for student accommodation and townhouses be refused for the following reasons. Firstly, the proposal included landscaping that would jeopardise the safety of the Lane residents and visitors to the Yard Playground. Secondly, the town houses had been removed because of the footprint of the student block that had been increased, which had created imbalance in the character and sense of place along the Lane. Thirdly, the developer had not fulfilled their obligation to provide family homes on the site as required by statutory guidance documents. Fourthly, the student blocks, the height, scale and massing failed to enhance any sense of place or character. Fifthly, the student block had a lack of appropriate internal and external amenity space, and the lack of diverse living units was worse than the standard provision in the Dunedin Street Development, recently rejected. Finally, this was a very unpopular proposal with over 450 objections and was not wanted in the Canonmills Area.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(d) Rodney Street Residents Association**

Chris and Hannah Edwards addressed the Development Management Sub-Committee on behalf of Rodney Street Residents Association.

Mr Edwards indicated that there had been a large number of objections. There were three material considerations, which were impact on daylight and sunlight, privacy and noise. The size and characteristics were not suitable for this area, little has changed from the previous design and there had been only a small reduction in the number of units.

Ms Edwards indicated that daylight was fundamental to people's wellbeing, however, the current proposals would cause a loss of daylight. In the previous application, the data showed that many dwellings were overshadowed by the proposed block. The daylight study for the current application showed the same problem. There were concerns about the accuracy of the numbers given for the number of townhouses and the information in the site model in the daylight study which showed half the new design and half the old one. The smaller footprint in the new townhouse design, conveniently created a larger gap to re-run the daylight calculations. Permission should not be granted with so many doubts and consequences for those living nearby.

Mr Edwards indicated that regarding sunlight, the revised proposal would introduce tall



buildings with inappropriate massing and scale. The report justified the huge loss of sunlight on the grounds that the area did not have much originally, but this was not the case. The sunlight they currently received was important. The area could be filled with townhouses and there was no requirement to build a large block. Finally, in terms of privacy and noise, this was a relatively quiet area and people valued their residential amenity and the use of the shared garden. The proposed roof terrace social space was new to this area. Many similar applications for roof terraces had been rejected by the Council and this ruling should be applied in this case. Noise at higher levels travelled to a greater extent and there were a large number of dwellings in close proximity to the proposed roof terraces. Locals were not reassured by the assertion that noise levels would be managed. With many student units packed into a small site, the design for social space was not a good idea.

Ms Edwards stated that in conclusion, the Reporter rejected the previous application as the proposal would have a dominating presence on the lane, there had been minimal changes to the original design and this was still the case. Elements of the new design were still excessively tall and they would have a detrimental effect on residential amenity. In terms of daylight, sunlight, privacy and noise, the site should be developed, but sympathetically. This design did not comply with this.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(e) Ward Councillors Bandel, Mitchell and Nicolson**

Council Bandel addressed the Sub-Committee, indicating that she was content when the original application had been rejected by the Reporter, some changes had been made, but it was still disappointing.

There had been 450 objections and the proposal meant there would be a lack of residential housing and would be unsuitable for students. The City needed more affordable residential accommodation. Student housing guidance stated there should be provision of about 50% residential housing. This proposal failed to meet this. Student guidance was not statutory, but in the context of a rampant housing crisis, this should be considered. The proposal would have a detrimental impact on the community and also failed to create a good place for students. There would be a risk of isolation and the new application would provide less space for communal living. There would be a reduction of amenity space and the quality of the space would be lower. This development was contrary to LDP Policy Des 5 and NPF4 Policy 14. The proportion of studio rooms, meant there was no possibility of changing the accommodation to residential use in future. The proposals were contrary to NPF4 16c (g) and LDP Policy Hou 8. She supported the development of purpose-built student accommodation, but only if it was in a suitable location. Although connected to the City Centre, generally, campuses were not located in the City Centre. The application did not comply with LDP Policy Hou 8 and NPF4 Policy 15. The aim for 20-minute neighbourhoods should be considered. There were no safe routes for cycling to centres of education, as they were mostly hilly or on busy streets. These would not be a realistic option for most students.



Council Mitchell addressed the Sub-Committee, indicating that this application was not concerned with the student housing aspect or potential residential housing, it was the size and scale, of the proposals. Nothing much had changed since the previous application and from the decision by the Reporter. There had been over 450 objections, which was more than the previous application, with only 4 supporters from neighbouring residents. The rest of the supporters were from outwith the area and mostly outside the City. Policy was very clear on this, in terms of both statutory legislation and non-statutory guidance. This was a complex application in terms of the size of the site, how it was split and the composition of what proposed. In conclusion, the changes that were made were not meaningful, would be detrimental to the character of the area and were overbearing and dominant, in terms of massing and height. This would be detrimental to the amenity and character of the area and would be unsatisfactory for the occupiers of the student housing. The Reporter was clear in their decision with the design concerns and the impact on amenity. Nothing had changed from the previous proposal, so both applications should be refused.

Council Nicolson addressed the Sub-Committee, indicating that this application had been of great significance during her time as a Councillor. The pre application consultation took place when she was campaigning for election. The application for student housing had been submitted on the same site and by the same developer. The new application had a large number of student units, which was only slightly modified from the earlier application which was rejected by the Reporter. The current proposals should be refused on the grounds of design and amenity, sense of place, scale, dominance and insensitivity to the surroundings. It seemed that the developer had had no interest in proper community engagement. The new student accommodation had a larger footprint. The Yard provided services to children, some with complex needs, with special access requirements. This application should not undermine the work carried out by the Yard. There would be access and parking issues. There were local concerns about daylight, sunlight, privacy and noise. Regarding access, the proximity of the universities did not fit with 20-minute neighbourhood principles. Finally, there was a wonderful garden in Eyre Place, which was vital to the community, it had turned into a hub and had brought the community together.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(f) Applicants and Applicant's Agent**

Paul Scott from Scott Hobbs Planning and Paul Harkin from Fletcher Joseph Associates were heard in support of the application.

Mr Scott indicated that he was planning consultant for the applicant and welcomed the recommendation for approval of the planning applications for the second time and considered the Planning Officer's report to represent a thorough assessment and provided a robust support for the proposals.

It was unfortunate that some of the objectors accused planning officers of being

incapable of analysing detailed reports on daylighting and other aspects, whilst presenting new evidence to the contrary. It was also unreasonable to suggest that there was an inconsistency in the recommendation between this application and a recent Dunedin Street decision. Another development under Dunedin Street was approved for a studio-only student accommodation development in September of this year, with generous levels of amenity provision, and that was the case with this development.

He then outlined the following aspects of the application:

- This development had 40% of the site area, including amenity space, which was double Edinburgh Design Guidance requirements.
- The appeal decisions were supportive of the principle of purpose-built student accommodation and housing in this location, of the mix of accommodation, of the accessibility of the site to University and other education establishments, of the impact that the proposal would have on the concentration of students in this locality.
- The appeal decisions were also supportive of the overall design approach of the materials and for the most part the scale, massing and impact of the amenity on existing and future residents in the area.
- The appeals were rejected for modest infringements, in terms of scale along Eyre Place Lane and specific amenity issues.
- Paul Harkin would demonstrate how these issues had been addressed.

Mr Harkin explained that before going through the specific changes, he felt the value in taking proposals back to first principles, to outline strategies which informed the original design concept and explain why they considered this still to be an appropriate solution for the site. This included the following aspects:

- The site presented a number of challenges which required to be addressed.
- This review prompted the decision to infill the gap along Eyre Place.
- The footprint presented represented a continuation of the tenement frontage and a direct reflection of the existing mews arrangement.
- The dual fronted nature of the BBAC building also created the opportunity to screen the existing gardens.
- The scale and massing of the context was reviewed and this directly informed the massing strategy of the proposals.
- The impact of this massing on existing properties then required to be reviewed.
- A number of sections were therefore taken through the site to assess this and in particular through the rear gardens of 76 to 78 Eyre Place.
- There was now a general compliance with the 45-degree rule or at least a comparable relationship with the existing boundary.
- While the 45-degree rule which assessed the impact on adjacent gardens, was shown to be observed, the digital sunlight analysis of the garden was carried out.
- The study confirmed that the existing garden failed to achieve two hours of daylight for 50% in the garden on 25th March.
- Equivalent levels of direct sunlight were generally achieved throughout the day until mid-afternoon, after which the direct sunlight was only gained in the existing condition via the gap between the tenements upon 64 and 76 Eyre Place.

- Whilst existing and proposed conditions failed to comply with the guidelines, compliance was generally achieved.
- A key relationship in the design was the junction of the tenemental scale to Eyre Place with a lower scale of Eyre Place, which was previously marked via a reduction of one storey in the previous application.
- This had now been reviewed and the latest proposals to align the higher element of the block with the rear of the existing tenements and reduced the height of the building.
- The distinction was further reinforced through the application of different materials for each element, as well as breaking the frontage of the block, which fronted the lane into smaller sections.
- The introduction of the curved corner detail was intended to make a subtle gesture to mark the junction and the continuation of frontage along the lane.

He therefore believed that the proposals offered a logical solution to the various challenges of the site and represented a sympathetic regeneration of this vacant industrial site. It respected and responded to the adjacent buildings and was built from a pallet of traditional, sympathetic and high-quality materials. It was hoped, therefore, that the members were inclined to follow the Planning Officer's recommendation and grant consent.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

## **72 - 74 Eyre Place, Edinburgh, EH3 5EL - application no. 23/04046/FUL**

### **Decision 1**

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 2, Hou 3 and NPF4 Policy 14.

## **72 - 74 Eyre Place, Edinburgh - application no. 23/04048/FUL**

### **Decision 2**

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 1, 4 and 5, NPF4 Policy 14 and Non-Statutory Student Guidance (part d).

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

## **4. Saltire Street (Land 80 Metres West and East of), Edinburgh**

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The Chief Planning Officer had identified an application to be dealt with by means of a hearing. The application was for planning permission for the proposed Phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape (scheme 3) at Saltire Street (Land 80 Metres West and East of), Edinburgh - application no. 22/06290/FUL.

### **(a) Report by the Chief Planning Officer**

The application was for 211 homes, including 53 affordable homes. The housing was arranged across seven blocks and comprises a mix of one, two and three bedroom homes with a mix of apartments and colonies. The ground levels within the site would be altered to accommodate the development as well as cap parts of the site.

25% of the residential units would be affordable. The accommodation comprised 4 x one bedrooomed units, 149 x two bedrooomed units and 58 three bedrooomed units.

Materials proposed to the housing were buff multi facing brick, grey multi facing brick feature panels, grey concrete roof tiles (to colonies), dark grey double glazed windows (material to be confirmed), dark grey common entrance door sets, and dark grey painted metalwork Juliet railings. PV panels were proposed to the front roof of block C.

Flats would have shared gardens with hedging used for boundary treatments. Private gardens were provided for 31 flats. Hedging would be used to define the boundaries of gardens to the rear of flats, some front gardens, and at the existing site entrance point on Waterfront Avenue. To the rear of private gardens and between each, 1.8m timber fencing would be used.

Vehicular access would be direct from the northern end of Saltire Street and Waterfront Avenue at the southwest corner of the site. The main access route from Waterfront Avenue would provide an adoptable turning-head to the north. Four hundred and ninety cycle spaces would be provided and 53 car parking spaces, 12 EV charging spaces and 6 disabled spaces.

#### Scheme 1

The first scheme proposed 220 residential units of between three and six stories in height. Seventy two car parking spaces were proposed, including six disabled parking spaces and twelve with EV charging. A proposed cycle route along the western boundary of the site was included. Cycle storage was in external stores. Solar panels and gas boilers were proposed. Materials included metal cladding to the upper levels of the proposed flatted blocks.

#### Scheme 2

Revised drawings were submitted which comprised 220 units, including 44 affordable. Fifty car parking spaces were proposed including six disabled parking spaces and twelve with EV charging points. Block A was increased from 6 to 7 storeys in height, Block D / E was reduced from 6 to 4 storeys in height, Block G was increased from 6 to 7 storeys in height, Block E was reduced in length to the eastern boundary and Block F was reduced in length to the western boundary.

### **Supporting Information**

The applicant had submitted the following supporting information in relation to the application. These could be viewed on the Planning and Building Standards online portal:

- Planning Statement;
- Design and Access Statement;
- Statement of Community Benefit;

- Daylighting report;
- Townscape assessment;
- Noise Impact Assessment;
- Site investigation report;
- Arboricultural assessment;
- Archaeological written scheme of investigation;
- Pre application consultation report;
- Air Quality report;
- Preliminary ecological assessment;
- Sustainability form and –  
Transport assessment.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(b) Jaime Alberdi**

Jaime Alberdi addressed the Development Management Sub-Committee as a resident of the area. Mr Alberdi indicated that the proposals were incompatible with the Granton Waterfront Development Framework, there was no retail and no provision for shops and no character in the main elevation on the Waterfront Avenue. The location of key elevation in block F was just on one level. One of the elevations disappeared into the background and some of the plans appeared to be incorrect. One block looked into a neighbour and the design did not account for the existing spaces of houses. Considering one elevation, there appeared to be trees, however, this was not correct. According to legislation, lifts were not mandatory for certain blocks of flats. This was not satisfactory and the developers seemed to be trying to avoid the cost of installing lifts. However, for disabled people, many of the flats had no lifts and this created access issues. As some blocks of flats had lifts, while others did not, this might raise issues of discrimination.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

**(c) Applicants and Applicant's Agent**

Neil Ross and Colin Jack from Places for People and James Fraser from EMA Architects were heard in support of the application.

Mr Fraser explained that the current application was the final phase of development at Waterfront Avenue, which represented 20 years of investment by Placing for People

in the regeneration of Granton. To date, 265 new homes, including 67 affordable properties, had been constructed by Placing for People as part of phases 1, 2 and 3. This had helped to deliver a vibrant community to this part of the City. The current application sought approval for the final phase of the development and would provide 53 affordable and 150 private homes, helping further support the regeneration of the wider Granton Area.

The application had allocated a site for housing within the Local Development Plan as identified as brownfield land, suitable for housing within the Granton Waterfront Development Framework. He then outlined the following issues:

- The site which was an extract from the Development Framework, identified a site for housing with a suitable range of storey heights.
- The development blocks had been arranged to complete the urban block structure, creating positive relationships between the blocks and the new streetscapes and providing direct connections to the green spaces and wider active travel corridors.
- A new landscape edge was proposed along the western boundary, with buildings set back into the site to respect the setting of Carling Park House. A series of high-quality green spaces were proposed.
- A detailed townscape appraisal had been provided with the application, which had analysed the impact of the development on both Carling Park House and the listed Gas Works to the west and existing surrounding neighbourhoods.

To summarise, the application at Phase 4 would provide 211 sustainable new homes, including 53, affordable. It was a contemporary well-designed architecture with the use of high-quality materials. There would be a mix of one, two and three bed homes, including 27 3-bed family homes all designed to meet Edinburgh's engaged space standards.

A mix of typologies, including apartments and colonies were proposed with About 30% of the site being high quality green space and the landscape proposals listed the planting of 970 new trees with over 700 trees proposed within the Council owned woodland along the western boundary of the site. Cycle storage would be in line with the Council's factsheet for 490 spaces provided via 46% two-tier, 34% Sheffield and 20% non-standard. All cycle stores would be accessible for all residents and all residents would have access to all stores. Further details were provided of the proposals, which included the following:

- There would be reduced car parking in the site and city car club bays and electric charging bays were proposed and 25% parking was proposed on this site.
- They had integrated blue and green infrastructure, as proposed through a series of sustainable drainage features, including the squeals corridor and a landscaped SUDS basin.
- Biodiversity enhancements would be delivered through extensive landscape planting, shared green spaces and the inclusion of bat and swift boxes.
- All properties were designed on a fabric first approach, achieving highly insulated sustainable new homes.
- Design proposed for the site had been progressed in tandem with all relevant

technical reports such as daylight and sunlight, study, ecological assessment, flooding, noise, air quality and archaeology assessment.

- The development would further provide a range of community benefits.

To conclude, the application would deliver about 211 sustainable homes on a brownfield site identified for housing in the Council's Local Development Plan, adhered to design guidance on urban block structure and permeability within the Granton Waterfront Development Framework. The application achieved all relevant planning policies and Council design guidance and would further support the regeneration of a vibrant new community at Granton Waterfront.

Working in Granton for 20 years, and working in the City now for 50 years, Places for People had been providing all tenure homes as an approach. They were in this for the long term and were keen to get this project on site as quickly as possible.

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

[Development Management Sub-Committee - Wednesday 6 December 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

## Decision

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

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

## 5. 181 St John's Road, Edinburgh

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At its meeting of 4 October 2003, the Sub-Committee had previously agreed to continue consideration of the application for further scrutiny of consultation response on affordable housing and for an open book appraisal in relation to the Section 75 Agreement.

Details were provided of an application for the Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL. Remove clauses to provide on-site affordable housing and replace these with clauses seeking to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers at 181 St John's Road, Edinburgh - application no. 22/04607/OBL.

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

## Motion

That this application be Accepted, and the Agreement be Modified.

- moved by Councillor Osler, seconded by Councillor Jones

## Amendment

To **REFUSE** that the application for the modification of planning agreement (Section 75) be accepted and the agreement be modified as the proposals were contrary to LDP Policy Hou 6 and NPF4 Policy 16 (e).

The section 75 legal agreement as existing seeks the delivery of 25% affordable housing on site in accordance with Policy Hou6 and NPF 4 Policy 16 (e)with the Edinburgh Local Development Plan. The case for the modification to provide a commuted sum is supported by a Statement of Viability. The terms of this viability case are not accepted. There has been no substantive change in policy or other material considerations to change this position, therefore, the section 75 in its existing form is still considered to be necessary and should not be modified.

- moved by Councillor Mumford, seconded by Councillor Booth

### **Voting**

For the motion: - 3 votes

For the amendment: - 6 votes

(For the motion: Councillors Dalgleish, Jones and Osler.

For the amendment: Councillors Beal, Booth, Gardiner, Graham, Mattos Coelho and Mumford.)

### **Decision**

To **REFUSE** that the application for the modification of planning agreement (Section 75) be accepted and the agreement be modified as the proposals were contrary to LDP Policy Hou 6 and NPF4 Policy 16 (e).

The section 75 legal agreement as existing seeks the delivery of 25% affordable housing on site in accordance with Policy Hou6 and NPF 4 Policy 16 (e)with the Edinburgh Local Development Plan. The case for the modification to provide a commuted sum was supported by a Statement of Viability. The terms of this viability case were not accepted. There has been no substantive change in policy or other material considerations to change this position, therefore, the section 75 in its existing form was still considered to be necessary and should not be modified.

(References – the Development Management Sub-Committee of 4 October 2003 (item 5); report by the Chief Planning Officer, submitted.)

## **6. Western Harbour – Confirmation of Tree Preservation Order No. 206**

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Details were provided of an application for the confirmation of Tree Preservation Order No. 206 at Western Harbour.

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

### **Motion**

To agree to the confirmation of Tree Preservation Order No. 206 at Western Harbour.

- moved by Councillor Osler, seconded by Councillor Booth

### **Amendment**

To refuse to the confirmation of Tree Preservation Order No. 206 at Western Harbour.

- moved by Councillor Gardiner, seconded by Councillor Jones



## Voting

For the motion: - 5 votes

For the amendment: - 4 votes

(For the motion: Councillors Bennett, Booth, Mattos Coelho, Mumford, and Osler.

For the amendment: Councillors Cowdy, Dalgleish, Gardiner and Jones.

## Decision

To agree to the confirmation of Tree Preservation Order No. 206 at Western Harbour.

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

## 7. 12 West Saville Road, Edinburgh

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Details were provided of an application for the change of use from Class 8 residential institution to Class 10 children's nursery (as amended) at 12 West Savile Road, Edinburgh - application no. 23/03388/FUL.

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

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

## Voting

For continuation - 1 vote

Against continuation - 5 votes

(For continuation: Councilors Jones.

Against continuation: Councilors Bennett, Booth, Cowdy, Mumford and Osler.

## Decision 1

To **REFUSE** the request for a hearing.

## Decision 2

To **GRANT** planning permission subject to:

- (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.
- (b) An amendment to condition 2 that hours of operation be restricted to 0800 hours until 1800 hours Monday to Friday.
- (c) An additional condition that prior to the use being taken up, details of the screen/ acoustic fence to be erected in the rear garden.
- (d) An additional informative that there should be compliance with NR25 for plant and machinery.

## Decision

1) To **GRANT** planning permission subject to:

- (a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

- (b) An amendment to condition 2 that hours of operation be restricted to 0800 hours until 1800 hours Monday to Friday.
- (c) An additional condition that prior to the use being taken up, details of the screen/ acoustic fence to be erected in the rear garden.
- (d) An additional informative that there should be compliance with NR25 for plant and machinery.

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

## Appendix

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>4.1 – <a href="#">4 East Norton Place, Edinburgh, EH7 5DR</a></b></p>	<p>Change of use from residential (Sui Generis) to short-term let (Sui Generis) for three months per annum (June-August) (in retrospect) - application no. 23/04428/FULSTL</p>	<p>This item had been <b>WITHDRAWN</b> from the agenda at the request of the Chief Planning Officer.</p>
<p><b>4.2 – <a href="#">Liberton Public Park, Liberton Gardens, Edinburgh</a></b></p>	<p>A new opening has been created in the existing boundary stone wall to the north of the site, to form the approved ramped active travel route into Liberton Park. A new opening has been created in the existing boundary stone wall to the west of the site, to form the approved emergency access route. The existing gated access to the west of the site has been removed and the opening in the boundary stone wall has been infilled with stone (in retrospect) (as amended) - application no. 23/02885/LBC</p>	<p>This item had been <b>WITHDRAWN</b> from the agenda at the request of the Chief Planning Officer.</p>
<p><b>4.3 – <a href="#">7 Meadowbank (Site 30 Metres Southwest of), Edinburgh</a></b></p>	<p>Erection of 8x flats, an office unit, relocation of substation and associated landscaping - application no. 23/01153/FUL</p>	<p>To <b>GRANT</b> 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><b>4.4 – <a href="#">29 Paisley Gardens, Edinburgh, EH8 7JN</a></b></p>	<p>Reform the existing roof to create more bedroom space. (AS AMENDED) - application no. 23/03834/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<a href="#">4.5 - 42 Saughtonhall Avenue (Land 14 Metres Northeast of), Edinburgh</a>	Demolition of garaging and erection of a two storey dwellinghouse - application no. 22/06009/FUL	To <b>REFUSE</b> planning permission as the proposals were contrary to LDP Policy Env 21 and NPF4 Policy 22.
<a href="#">4.6 - 3 Tron Square, Edinburgh, EH1 1RR</a>	Retrospective change of use from residential (Sui Generis) to short-term let (Sui Generis) for three months per annum (June-August) - application no. 23/04425/FULSTL	This item had been <b>WITHDRAWN</b> from the agenda at the request of the Chief Planning Officer.
<a href="#">4.7 – 12 West Savile Road, Edinburgh, EH16 5NQ</a>	Change of use from Class 8 residential institution to Class 10 children's nursery (as amended) - application no. 23/03388/FUL	<ol style="list-style-type: none"> <li>1) To <b>REFUSE</b> the request for a hearing. (On a division.)</li> <li>2) To <b>GRANT</b> planning permission subject to: <ol style="list-style-type: none"> <li>(a) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</li> <li>(b) An amendment to condition 2 that hours of operation be restricted to 0800 hours until 1800 hours Monday to Friday.</li> <li>(c) An additional condition that prior to the use being taken up, details of the screen/ acoustic fence to be erected in the rear garden.</li> <li>(d) An additional informative that there should be compliance with NR25 for plant and machinery.</li> </ol> </li> </ol>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p><b>5.1 - <a href="#">181 St John's Road, Edinburgh</a></b></p>	<p>Application for the Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL. Remove clauses to provide on-site affordable housing and replace these with clauses seeking to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers- application no. 22/04607/OBL</p>	<p>To <b>REFUSE</b> that the application for the modification of planning agreement (Section 75) be accepted and the agreement be modified as the proposals were contrary to LDP Policy Hou 6 and NPF4 Policy 16 (e).</p> <p>The section 75 legal agreement as existing sought the delivery of 25% affordable housing on site in accordance with Policy Hou6 and NPF 4 Policy 16 (e)with the Edinburgh Local Development Plan. The case for the modification to provide a commuted sum was supported by a Statement of Viability. The terms of this viability case were not accepted. There had been no substantive change in policy or other material considerations to change this position, therefore, the section 75 in its existing form was still considered to be necessary and should not be modified.</p> <p>(On a division.)</p>
<p><b>6.1 - <a href="#">72 - 74 Eyre Place, Edinburgh, EH3 5EL - applications no's 23/04046/FUL and 23/04048/FUL</a></b></p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p><b>6.2 - <a href="#">72 - 74 Eyre Place, Edinburgh, EH3 5EL</a></b></p>	<p>Erect 7x townhouses with associated amenity space, access, cycle parking, car parking and landscaping - application no. 23/04046/FUL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to LDP Policies Des 2, Hou 3 and NPF4 Policy 14.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p><b>6.3 - <a href="#">72 - 74 Eyre Place, Edinburgh, EH3 5EL</a></b></p>	<p>Erection of student accommodation with associated amenity space, access, cycle parking, disabled car parking and landscaping - application no. 23/04048/FUL</p>	<p>To <b>REFUSE</b> planning permission as the proposals were contrary to LDP Policies Des 1, 4 and 5, NPF4 Policy 14 and Non-Statutory Student Guidance (part d).</p>
<p><b>6.4 - <a href="#">Saltire Street (Land 80 Metres West and East of), Edinburgh - Proposed Phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape (scheme 3) - application no. 22/06290/FUL</a></b></p>	<p>Protocol Note by the Service Director - Legal and Assurance</p>	<p>Noted.</p>
<p><b>6.5 - <a href="#">Saltire Street (Land 80 Metres West and East of), Edinburgh</a></b></p>	<p>Proposed Phase 4 residential development at Waterfront Avenue with associated infrastructure and landscape (scheme 3) - application no. 22/06290/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>7.1 - <a href="#">Confirmation of Tree Preservation Order No. 206 (Western Harbour)</a></b></p>	<p>Confirmation of Tree Preservation Order No. 206</p>	<p>It is recommended that the order is <b>CONFIRMED</b>. (On a division.)</p>

## Development Management Sub-Committee Report

**Wednesday 24 January 2024**

**Application for Planning Permission  
68 Inverleith Row, Edinburgh, EH3 5LT.**

**Proposal: S42 application for non-compliance with condition No. 1 of  
planning permission 22/03124/FUL.**

**Item – Committee Decision  
Application Number – 23/06424/FUL  
Ward – B05 - Inverleith**

### **Reasons for Referral to Committee**

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

### **Recommendation**

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

### **Summary**

The proposal does not comply with the relevant policies within the Edinburgh Local Development Plan and the relevant Guidance in that it would have an unacceptable impact on amenity. No material considerations would outweigh this decision.

## **SECTION A – Application Background**

### **Site Description**

The application site relates to a ground-floor commercial premises on the East side of Inverleith Row at its junction with Eildon Street. The property does not form part of a listed building but is within the Inverleith Conservation Area.

## **Description of the Proposal**

The Section 42 application is for the non-compliance with condition No. 1 of planning permission 22/03124/FUL.

### Condition 1

That cooking operations on the premises shall be restricted to the use of a toaster, single panini sandwich machine, soup tureen and one microwave oven only; no other forms of cooking shall take place without the prior written approval of the planning authority.

## **Supporting Information**

Application Justification

## **Relevant Site History**

22/03124/FUL  
68 Inverleith Row  
Edinburgh  
EH3 5LT

Retrospective consent sought for change of use from retail shop unit (Class 1) to coffee shop /cafe, (Class 3 restricted use), including outdoor seating areas. Ancillary Class 1 retail use to be retained as a bookshop.

Refused

28 October 2022

## **Other Relevant Site History**

No other relevant site history

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 24 November 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 1 December 2023

**Site Notices Date(s):** 28 November 2023

**Number of Contributors:** 16



## 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?

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

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

- (a) if they decide that planning permission should be granted subject to conditions differing from those subjects to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly.
- (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

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

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

Do the proposals comply with the development plan?

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

- i) the proposed change to the condition would result in a development that is in accordance with the development plan; or

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

## **Assessment**

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

### **a) The proposals impact on the character or appearance of the conservation area?**

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

No external alterations are proposed. The works would not have a detrimental impact on the character and appearance of the conservation area.

### **Conclusion in relation to the conservation area**

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it 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 Policies 1, 7 and 14.
- LDP Housing Policy Hou 7.

The non-statutory Guidance for Businesses is a material consideration that is relevant when considering policies.

## Principle

The principle of this Section 42 application is to remove Condition 1 that was attached to planning permission 22/03124/FUL. The purpose of condition 1 was to ensure the protection of neighbouring residential amenity. The condition restricted the range of cooking equipment that could be used, as the application did not propose to use a ventilation system that would expel cooking effluvia to a suitable height.

This application seeks to remove the condition and continue to operate as existing, with equipment proposed as follows: an oven and a hob.

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

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

## Amenity

Environmental Protection was consulted in relation to the application and could not support the proposal by virtue of the likely detrimental impact on residential amenity. Environmental Protection further states that the Service has previously received a number of past complaints in relation to the premises from odours affecting surrounding residential properties. The Environmental Protection Service is sufficiently concerned that the unrestricted operation of the premises, in its current or future operations, could have a negative impact on neighbouring residential amenity and does not support the application to remove condition 1 from the premise without a suitable ventilation strategy.

Following the overturned decision by the Local Review Body, the applicant has written to the planning authority requesting to use equipment falling outwith the restrictions imposed within condition 1. Furthermore, the applicant has obtained signed petitions from local residents and a KC's opinion that sets out reasoning and justification for the use of the existing equipment which falls outwith the restrictions as stated within condition 1.

The Planning Authority responded by stating that "In the absence of a suitable ventilation strategy and an updated NIA, the Council, including Environmental Protection, has serious concerns in relation to the use of the additional equipment, due to the possible negative impact the appliances may have on residential amenity. Whilst it is acknowledged that no complaints have been received from neighbouring residents, the Council would be unable to control the type of food prepared: were the appliances to be permitted, the impact of cooking effluvia from the operations could increase, with potentially adverse effects on residential amenity. For this reason, the Planning Authority does not approve of the use of an oven and hob in these premises."

The applicant has gathered significant local support for the continued operation of the business in its current form and argues that the current uses do not impact on the immediate amenity of neighbours. Previous discussions have also identified the use of personal permissions. Whilst the relevant circular (Planning Circular 4/1998: the use of conditions in planning permissions) on the imposition of conditions includes reference to the use of personal permissions, such conditions restricting occupancy to a particular occupier should only be used when special planning grounds can be demonstrated and where the alternative would normally be refusal of permission. Planning permission runs with the land and it is seldom desirable to provide otherwise while there are no strong compassionate or other grounds, to suggest the use of a personal permission is appropriate. The circular advises that permission personal to a company is generally inappropriate.

Although it could be argued that the current operations do not cause a significant impact to neighbouring residential amenity, the Council, as planning authority, would not be able to ensure that residential amenity was suitably protected if the operator or nature of the business changed in the future. The intensification of cooking operations, without a suitable ventilation strategy, would no longer be practically enforceable by the relevant authorities upon the removal of existing restrictions to cooking equipment, and could lead to a detrimental impact on neighbouring residential amenity. The applicant has not demonstrated that there are special planning grounds that would justify the use of a personal permission and such an option is not deemed appropriate by the Council.

The overarching reason for the imposition of condition 1 was to ensure that neighbouring amenity is safeguarded in the future, and the Council is entitled to conclude that the application could effectively have a detrimental impact on residential amenity. The application to remove condition 1 should be refused for that reason.

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

### **Conclusion in relation to the Development Plan**

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

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

### Public representations

16 comments were received (Support).

### *material considerations*

Principle: this is addressed in section b).

Community benefit: this is addressed in section b).

### **Conclusion in relation to identified material considerations.**

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

### **Overall conclusion**

The application is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Reasons**

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as they proposal does not demonstrate that it would protect amenity.
2. The proposal would be contrary to NPF4 Policy 14 (Liveable Places), which seeks to protect amenity, as the removal of condition No. 1 of planning permission 22/03124/FUL, could detrimentally impact on residential amenity.

## **Background Reading/External References**

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

## **Further Information - Local Development Plan**

**Date Registered: 14 November 2023**

## **Drawing Numbers/Scheme**

01

Scheme 1

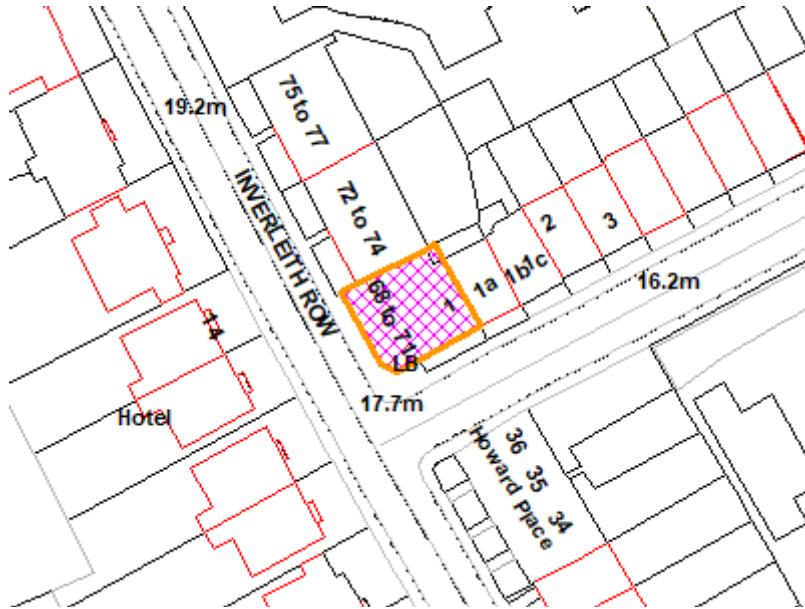
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Adam Gloser, Planning Officer  
E-mail: [adam.gloser@edinburgh.gov.uk](mailto:adam.gloser@edinburgh.gov.uk)

## Summary of Consultation Responses

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 24 January 2024**

**Application for Planning Permission STL  
Totley Wells Grange, Westfield, Totley Wells.**

**Proposal: Stationing of three shepherd's huts for short-term holiday let use.**

**Item – Local Delegated Decision  
Application Number – 23/02466/FULSTL  
Ward – B01 - Almond**

### **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 is acceptable for tourism-related development. It complies with NPF 4 policy 30(b) and the Edinburgh Local Development Plan (LDP).

## **SECTION A – Application Background**

### **Site Description**

The application site is vacant garden ground and part orchard at Totleywells Grange, Westfield which is 2 km south west of South Queensferry. The site is just within the City of Edinburgh boundary and is accessed via a single track road off the B8020 which links Duntarvie Castle with South Queensferry. The application site is immediately west of Totleywells Grange House which is the subject of planning application 23/02467/FULSTL for change of use from dwelling house to short-term let use.

The existing vehicular access on to the main road is currently shared between Totlewells Grange House (and garden) and the adjoining equestrian centre to the west. Planning consent was granted for an upgrade to the equestrian centre in July 2023 (plan reference 22/05262/FUL) and once this upgrade is completed the equestrian centre will have its own access further west and the existing access will serve primarily the application site and the proposed STL use at Totlewells Grange House.

The site lies within the Countryside Policy Area in the LDP.

### **Description of the Proposal**

The application is for the stationing of three shepherd's huts. Each hut is 6 metres (length), 2.4 metres (breadth) and 3.4 metres (height). Each hut has a double bed/kitchen area and shower room/toilet with a double door entrance. The huts will be built off-site and put in place on a pre-prepared base. They will be made of sustainably sourced timber and will be raised from the ground and accessed via three steps. Each hut will be insulated and will be serviced by a new solar panel powered heat pump system. There is a communal area adjacent to the huts which has a seating area with a firepit.

The site is partly within an orchard. As part of the development, the orchard will be improved with trees cared for and replaced if required, and new planting undertaken to fill gaps in the existing hedgerow. There is a hut to the west of the garden ground which is used in association with the orchard.

There are six vehicle parking spaces serving the site. One electric charging point and cycle storage will be provided specifically for the shepherd's huts.

### **Supporting Information**

Planning Statement  
Economic Impact Study.

### **Relevant Site History**

23/02467/FULSTL  
Totlewells Grange  
Westfield  
Totlewells  
Broxburn  
EH52 6QJ  
Change of Use from dwelling to short-term let (Sui Generis)

## Other Relevant Site History

22/05262/FUL

Demolish existing horse stables and derelict house and build new upgraded horse stables (as amended), at Westmuir Riding Centre, Totley Wells, Broxburn.

Granted 05.07.2023.

## Pre-Application process

Pre-application discussions took place on this application.

## Consultation Engagement

Scottish Water

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 16 June 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 0

## Section B - Assessment

### Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## Assessment

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

### a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF 4 Liveable Places Design, Quality and Place Policy 14.
- NPF4 Productive Places Tourism Policy 30.
- LDP Design policies Des 1, Des 4, and Des 5..
- LDP Environment policies Env 10.
- LDP Transport policies, Tra 2 and Tra 3.

The Non-Statutory Guidance for Development in the Countryside and Green Belt and Edinburgh Design Guidance are a material consideration that is relevant when considering the above policies.

### Proposed 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 application addresses this through the huts being serviced by a solar powered heat pump system.

The proposal complies with NPF4 Policy 1.

The site is not within the green belt but lies within the Countryside Policy Area in the LDP. Policy Env 10 states that development in the Countryside as shown on Proposals Map will only be permitted where it meets a number of essential criteria and would not detract from the landscape quality of the area.

The reasons for the proposal requiring this countryside location is the proposed business links with the adjacent uses. A planning application submitted by the same applicant for upgraded stables linked to an equestrian business was approved in July 2023. The intention is that users of the equestrian centre would be able to stay at the huts (and the STL use which is the subject of planning reference 23/02467/FUL) throughout the duration of their stay. The huts are therefore providing on-site sustainable accommodation reducing the need for multiple journeys to and from the site. The huts are of a scale and quality which is appropriate to their use and would not detract from the landscape quality of the area.

The proposal complies with LDP Policy Env 10.

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. As the proposal is for newly built holiday accommodation, Policy 30 (b) for tourism related development, criterion i, ii, v and vi are relevant to this application. The policy states that proposals for tourism-related development will take into account:-

*i) The contribution made to the local economy*

The applicant has submitted supporting information which demonstrates how the proposed shepherd's huts are part of the business plan for the adjacent proposed upgraded equestrian business.

Totleywells Ltd is the accommodation partner for Totleywells Services which runs the equestrian business. Totleywells Ltd will provide accommodation (this proposal for three shepherd's huts and the proposed STL property adjacent) for visiting coaches and pupils attending training camps and clinics at the equestrian centre. Training camps for varying durations of three, five and seven days will be held for all levels of experience from beginners to advanced (including specialist equestrian training). All participants will have free time where they can explore local tourist areas.

The proposal complies with NPF 4 policy 30(b) part (i).

*ii) Compatibility with the surrounding areas in terms of the nature and scale of the activity and impacts of increased visitors*

The proposed shepherd's huts will be located in their own individual plot within a vacant garden area of a large single dwelling which is also the subject of a planning application for change of use to short term let accommodation.

The surrounding area is entirely rural. The nearest residential properties are 258 metres to the north east and 380 metres to the west. Consequently, there will be no detrimental effect on the living conditions and amenity of nearby residents as they are a sufficient distance away from the application property.

The proposal complies with NPF 4 policy 30(b) part (ii)

*v) Accessibility for disabled people*

At least one of the huts will be adapted for disabled access. The proposal complies with NPF 4 policy 30(b) part (v).

*vi) Measures taken to minimise carbon emissions*

The huts will be serviced by a new solar powered heat pump system. One electric vehicle charging point will be provided on site to encourage use of electric vehicles where public transport cannot be used. The proposal complies with NPF 4 policy 30(b) part (vi).

While NPF 4 Policy 30 criteria c) and e) are not applicable in this case as they are not changes of use, criterion d) is relevant. It states that proposals for huts will also be supported where the nature and scale of the development is compatible with the surrounding area and the proposal complies with relevant good practice guidance.

The scale, design and form of the huts are considered acceptable in this location and therefore the proposal complies with good practice guidance relating to criterion d).

The proposal complies with NPF 4 Policy 30 (b) and (d).

#### Design and setting

The huts are modest in scale. The form, choice of materials, layout bound by existing and new tree/shrub planting will ensure that the proposed development integrates well with its surroundings.

The proposal complies with NPF 4 Policy 14 and LDP Policies Des1 and Des 4.

#### Amenity

LDP Policy Des 5 ensures sufficient amenity for neighbouring developments as a result of the proposal. The proposal will have no negative impact on neighbouring developments as the nearest residential properties are 258 metres to the north east and 380 metres to the west. LDP Policy Des 5 also addresses amenity for future occupiers. However, this is not relevant as the proposed use is holiday accommodation and not for permanent residential occupation.

#### Archaeology

The Council's archaeologist was consulted as part of the assessment of the application. There are no known significant archaeological implications in regard to this application.

#### Parking

There are six car parking places provided for the proposal. One electric vehicle charging point and cycle storage will be provided. The Roads Authority raise no objection to the proposal.

The proposal complies with LDP policy Tra 2 and Tra 3.

#### Drainage

The proposal is for new drainage arrangements to be made via a septic tank and discharging to land via soakaway. The Council's Flood Team raises no concerns over this application due to the scale and location. It also confirms it has no concerns over the soakaway proposal for the surface water run-offs. Scottish Water has no objections to the proposal.

## **Conclusion in relation to the Development Plan**

The proposal complies with the relevant policies within NPF 4 and the LDP and is in accordance with the relevant non-statutory guidance.

### **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. At least one of the huts will be adapted for disabled access.

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.

#### Airport Safeguarding

The application site falls within the Edinburgh Airport Safeguarding Zone. Edinburgh Airport was therefore consulted as part of the assessment of the application. It confirmed that it had no objections, however an informative is attached to the permission which highlights the need for the applicant to inform the airport should a crane be involved in the stationing of the huts.

#### Public representations

No representations have been received.

### **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 is acceptable for tourism-related development. It complies with NPF 4 policy 30(b) 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.
3. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).

### Background Reading/External References

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

### Further Information - Local Development Plan

**Date Registered: 12 June 2023**

### Drawing Numbers/Scheme

01, 02, 03

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](mailto:lesley.porteous@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections.

DATE: 23 October 2023

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

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 24 January 2024**

**Application for Planning Permission STL  
Totley Wells Grange, Westfield, Totley Wells.**

**Proposal: Change of Use from dwelling to short-term let (Sui Generis)**

**Item – Local Delegated Decision  
Application Number – 23/02467/FULSTL  
Ward – B01 - Almond**

### **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 the loss of residential accommodation is outweighed by demonstrable economic benefits. It complies with NPF 4 policy 30(e) and the Edinburgh Local Development Plan (LDP).

## **SECTION A – Application Background**

### **Site Description**

The application site is a two-storey dwelling at Totleywells Grange, 2 km south west of South Queensferry. The dwelling was built in the 1960s and has a garage on one side and a mono-pitch, single-storey extension on the other. The ground floor of the application property will comprise two bedrooms, a living room, kitchen/dining room and utility room. On the first floor there will be four bedrooms. The kitchen/dining room leads to new timber decking and stairs to the north of the property.

The site is located just within the City of Edinburgh boundary and is accessed via a single track road off the B8020 which links Duntarvie Castle with South Queensferry. The application site is immediately east of vacant garden ground belonging to the house which is the subject of planning application 23/02466/FULSTL for the stationing of three shepherd's huts for short term holiday let use.

The existing vehicular access on to the main road is currently shared between Totlewells Grange house (and garden) and the adjoining equestrian centre to the west. Planning consent was granted for an upgrade to the equestrian centre in July 2023 (plan reference 22/05262/FUL) and once this upgrade is completed the equestrian centre will have its own access further west and the existing access will serve primarily the application site and the proposed shepherd's huts on the vacant garden ground.

The site is in a rural location. The nearest residential properties are 258 metres to the north east and 380 metres to the west.

The site lies within Countryside Policy Area in the LDP.

### **Description of the Proposal**

The proposal is for the change of use from residential to short-term let (STL) (Sui Generis). No internal or external physical changes are proposed.

### **Supporting Information**

Planning Statement  
Economic Impact Study  
Management Plan.

### **Relevant Site History**

23/02466/FULSTL  
Totlewells Grange  
Westfield  
Totlewells  
Broxburn  
EH52 6QJ  
Stationing of three shepherd's huts for short-term holiday let use.

### **Other Relevant Site History**

22/05262/FUL

Demolish existing horse stables and derelict house, and build new upgraded horse stables (as amended) at Westmuir Riding Centre, Totley Wells, Broxburn.

Granted. 05.07.2023.

## **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

No consultations undertaken.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 12 June 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## Assessment

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

### a) The proposals comply with the development plan?

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

The relevant 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.
- Local Development Plan Transport Policies, Tra 2 and Tra 3
- Local Development Plan Environment Policies, Env 10

The non-statutory Guidance for Development in the Countryside and Green Belt is a material consideration that is relevant when considering LDP Policy Env 10.

### 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.

### *Development in the Green Belt and Countryside*

The proposal is not in the Green Belt, although it is located within the countryside. As the development will not see physical development, this ensures that the proposal would not detract from the landscape quality or rural character of the area. The proposal complies with LDP Policy Env 10.

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.

### *Amenity*

The application site is in a rural location. The dwelling has its own front door and is accessed from a short driveway off the main road. An upgraded equestrian centre is proposed to the west of the application site and will have its own vehicular access once completed.

A change of use to STL would not be detrimental to neighbouring amenity as no neighbours are located nearby.

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

#### *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.

As the current lawful planning use of the property is residential a change of use would result in the loss of residential accommodation. However, the applicant has submitted supporting information which demonstrates how the proposed STL is part of the business plan for the adjacent equestrian business (soon to be upgraded).

Totleywells Ltd is the accommodation partner for Totleywells Services which runs the equestrian business. Totleywells Ltd will provide accommodation (this STL property and the proposed shepherd's huts) for visiting coaches and pupils attending training camps and clinics at the equestrian centre. Training camps for varying durations of three, five and seven days will be held for all levels of experience from beginners to advanced (including specialist equestrian training). All participants will have free time where they can explore local tourist areas. The STL will support two new FTE jobs.

It is accepted that having the property within residential use would contribute to the economy, through the use of a variety of local services and employment. However, due to the rural location of the application property and its inclusion as part of the business plan for the equestrian business, it is considered that the use of the property for STL linked to the business will likely make a greater contribution to the local economy.

In this instance, it has been sufficiently demonstrated that the loss of the residential accommodation is outweighed by demonstrable local economic benefits. It is considered that the proposal complies with Policy 30 (e) part (ii).

#### Parking

There will be four parking spaces provided for the STL use. Two spaces at the front of the house and two spaces at the rear. This is acceptable and there is no requirement for cycle parking for STLs, however cycles can be stored in the house. The proposal complies with policies Tra 2 and Tra 3.

#### **Conclusion in relation to the Development Plan**

The proposal complies with the relevant policies within NPF 4 and the LDP and is in accordance with the relevant non-statutory guidance.

#### **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

No representations have been received.

### **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 the loss of residential accommodation is outweighed by demonstrable economic benefits. 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.



## **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, 03

Scheme 1

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
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## Appendix 1

### Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 24 January 2024**

**Application for Planning Permission  
22 Inglis Green Road, Edinburgh, EH14 2HZ**

**Proposal: Mixed-use residential and commercial development with associated landscape, parking, and infrastructure (as amended).**

**Item – Committee Decision  
Application Number – 22/02233/FUL  
Ward – B07 - Sighthill/Gorgie**

### **Report Returning to Committee**

This application was continued at the Development Management Sub-Committee on the 9 August 2023. The Committee requested further time and consideration:

- To allow a Legal Agreement to be secured for a contribution towards the delivery of a pedestrian bridge on the northern boundary of the site.
- To address concerns relating to the indirect route of the active travel network.

The applicant has provided revisions to the active travel network of the development to allow a direct access through the site. A financial contribution as part of a planning obligation has been agreed with the applicant in order to facilitate procurement of the pedestrian bridge.

### **Recommendations**

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

## **SECTION A – Assessment**

### Pedestrian Bridge

At the 9 August 2023 meeting of the Development Management Sub-Committee, members raised concerns regarding the delivery of the designated T7 pedestrian bridge.

Advice from internal consultation, Bridges and Structures, estimated that a 3m wide pedestrian bridge development would cost £560,000. The applicant has agreed to contribute up to 30% of the estimated cost, £168,000 . This figure is proportionate and reflects guidance. The cost estimated would be index linked to reduce the Council's financial risk from any shortfall in funding.

It is anticipated that the design work for the bridge, securing funding and delivery can be achieved within a period of five years. The financial contribution would be refunded to the applicant after five years if the pedestrian bridge is not in development or completed as this is considered to be an appropriate period to allow delivery of the infrastructure.

The remaining finances would be applied for via the Transport Scotland Active Travel Transformation Fund. As the works would be undertaken by the local authority, the ongoing cost of the pedestrian bridge would be centrally funded.

If permission is granted it is recommended that the Transport and Environment Committees are notified of this decision.

### Active Travel

Following concerns raised by the committee, the applicant has amended the active travel scheme to become more direct by removing chicanes.

A copy of the original Committee report can be found in the list of documents on the

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=RAY1EOEWKDL00>

Or [Council Papers online](#)

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

Contact: Benny Buckle, Assistant Planning Officer  
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## Development Management Sub-Committee Report

**Wednesday 24 January 2024**

**Application for Planning Permission  
1 Redheughs Avenue, Edinburgh, EH12 9RH.**

**Proposal: Office development (Class 4), provision of a mobility hub, ancillary retail (Class 1) food and drink (Class 3/Sui Generis) and leisure uses (Class 11), landscaping, car parking, access, infrastructure and associated works. (AS AMENDED)**

**Item – Committee Decision  
Application Number – 22/05659/FUL  
Ward – B03 - Drum Brae/Gyle**

### **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as the proposal is a major development. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The principle of the development complies with the policies of the Edinburgh Local Development Plan the proposal will not negatively impact on the strategic mixed uses of the area while enhancing the strategic business location. The proposal is compatible with policy priorities that include sustainability in terms of materials use, climate change mitigation and adaptation, and development on brownfield land. The infringement on Council parking standards is considered acceptable as the proposal will reduce the existing parking provision and will reduce overall traffic generation from the site.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Design Guidance. There are no material considerations that outweigh this conclusion.

## SECTION A – Application Background

### Site Description

The site is located to the south of Redheughs Avenue and included Drummond House, the former Royal Bank of Scotland headquarters, constructed in 1993. Drummond House has since been demolished. The Younger Building completes the urban block to the north west, and is currently undergoing renovation works. The site includes areas of hard standing which are used for car parking and a central landscaped green space. Trees and hedges are located around the site's edges and form part of the structural landscape character in the area. The site is currently in business use and the land surrounding is generally within business use. The site is bounded by Redheughs Avenue to the north, Lochside Court to the west, South Gyle Crescent to the east, and neighbouring development to the south which is separated by a tree-lined boundary. In addition to surrounding business and office uses, prominent features in the surrounding area include the Edinburgh Tram line, the city bypass and Edinburgh Park train station.

The site forms part of the West Edinburgh in the Local Development Plan, sub-plot EP1, where Edinburgh Park/South Gyle Development Principles apply.

### Description of the Proposal

The proposal, as amended, will be for the redevelopment of the site for office development (Class 4), provision of a mobility hub, ancillary food and drink (Class 3) and leisure (Class 11) uses, landscaping, a multi-storey car park, access, infrastructure, and associated works.

The six office buildings will be located on the eastern and western boundaries of the site and will be varied in height with three blocks to be 6-storey, two to be 5-storey and one block to be 4-storey, and the combined buildings will deliver a GIA of 86,152 sqm of grade 'A' office space to the area. The material palette proposed incorporates pre-cast concrete, aluminium framing and glazed panels with some terracotta tiling.

To the southeast, the multistorey car park will provide a 7-storey elevated parking lot for 516 vehicles and 48 motorcycle spaces. 88 of the vehicle spaces will be for EV charging, with the remaining being enable for future EV compliance. The MSCP will be clad in anodised metal fins and perforated metal fins coloured with green tones and organic motifs.

Each office building will have secure cycle parking spaces within detached cycle parking lots, providing a total of 607 secure cycle parking spaces for future users of the site. In addition, 112 visitor cycle parking spaces have been provided around the landscaped site.

The pavilion and mobility hub will be located centrally and the north of the site. Both structures are proposed to have exposed timber frames, green roofs and full height glazing.

The central landscaped area will be redefined with a new civic and sports space, and a natural recreational area to the south. The parkland will include a range of soft and hard landscaping.

## **Supporting Information**

- Accommodation Schedule
- Air Quality Screening Assessment
- Arboricultural Survey
- Archaeological Desk Based Assessment
- Breeam Pre Assessment
- Drainage Strategy
- Drainage Strategy Appendix A1, A2, B, C To F
- Edinburgh Green Design and Access Statement 1-6
- Edinburgh Office Market Report
- Flood Risk Assessment
- Geo Environmental Desk Study
- Landscape And Public Realm Soft Landscape Schedule
- Landscape And Visual Appraisal Addendum
- Noise Impact Assessment
- Planning Update
- Preliminary Ecological Appraisal
- Social And Economic Impact Assessment
- Sustainability Statement
- Transport Statement
- Tree Survey Schedules

## **Amendments**

- Reduction in car parking spaces (790 spaces to 553 spaces).
- Omission of the undercroft car parks and replacement with multi-storey car park.
- Previously proposed Block D omitted and replaced with a proposed multi-storey car park (MSCP).
- Proposed levels across site have been lowered allowing step-free access throughout the development.
- The office buildings and multi-storey car park are proposed to be repositioned by 5m to the east.
- Retention of some existing trees between the building entrances and road.
- Updated vehicular access strategy incorporated to create accessible parking areas, service and maintenance and emergency vehicle access for each block.
- Revised approach to cycle access, stores and facilities.
- Mobility Hub relocated to north east corner of the site.
- Alternative design of entrance plaza between Redheughs Avenue and the pavilion building and parkland amenity spaces.
- Revised approach to phasing as detailed on the submitted phasing plans.
- Individual office MEP plant and refuse/delivery stores relocated from basements to ground floors.

## **Relevant Site History**

22/01063/PAN

1 & 3 Redheughs Avenue

Edinburgh

EH12 9RH

Redevelopment of site for office development (Class 4), including selected demolitions, retention and refurbishment of the Younger Building, provision of a mobility hub, ancillary retail (Class 1) food and drink (Class 3 / Sui Generis) and leisure (Class 11) uses, landscaping, car parking, access, infrastructure and associated works.

Pre-application Consultation approved.

23 March 2022

22/03024/SCR

1+3 Redheughs Avenue

Edinburgh

EH12 9RH

Request for EIA Screening Opinion

EIA Not Required

1 July 2022

## **Other Relevant Site History**

22/01081/WARR

1 Redheughs Avenue

Edinburgh

EH12 9RH

Demolition works. Extent of demolition to be confirmed. As a minimum internal soft strip, removal of the existing facade and partial demolition of the existing structural frame. Alternatively full demolition required including removal of existing foundations.

This application relates to downtakings / demolition only. Any new build works or alterations / adaptations would be subject to a separate warrant application.

Completion Certificate Issued

18 September 2023

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

City Archaeologist

Edinburgh Airport

Environmental Protection

Scottish Water

SEPA



Commercial Development & Investment

Roads Authority

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 17 November 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 10

## Section B - Assessment

### Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

### Assessment

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

#### a) The proposals comply with the development plan?

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

Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3 and 9
- NPF4 Liveable Places policy 14
- NPF4 Business and Industry policy 26
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 7 and Des 8
- LDP environment policies Env 12, Env 21, Env 22
- LDP employment and Economic Development policy Emp 1 and Del 4
- LDP transport policies Tra 1, Tra 2, Tra 3, Tra 4

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

### Principle

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

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

The Local Development Plan (2016) (LDP) identifies the site as a strategic business centre. Policy Emp 1 - office development, supports high quality office development, including major developments at this location.

Site specific Policy Del 4 applies to the site. It advises that:

*planning permission will be granted for development which maintains the strategic employment role of the Edinburgh Park/South Gyle area and also introduces a wider mix of uses. The requirements in principle will be for: a) comprehensively designed proposals which maximise the development potential of the area; b) development for office and other business uses as part of mixed-use proposals; c) housing as a component of business-led mixed-use proposals; d) the creation of a new commercial hub adjacent to Edinburgh Park Station; e) additional leisure and community uses at Gyle shopping centre; f) an extension of the existing green space corridor (known as the Lochans) space; and g) improved pedestrian and cycle links through the site and to provide strong, safe connections with services and facilities in the surrounding area. Development should accord with the Edinburgh Park/South Gyle Development Principles.*

The principle of the development for business uses reflects the planning history of the site as an established office development. The proposal seeks to intensify these uses by erecting six office buildings, a mixed-use commercial pavilion, a multi-storey car park and a mobility hub.

The application under consideration proposes 86,152 sqm of office floorspace. The uses are considered to be predominantly office, with some mixed commercial uses located within the central pavilion. It is noted that no residential uses are proposed, and that the proposal does not meet the requirements for a 'mixed-use' development. Housing led mixed use development is envisaged to the south west of Edinburgh Park at sub-plot EP1 and has been subject of separate planning permissions. Consideration must be placed on the proportion of mixed-use proposals within the area, and that the proposed office uses meet characteristics of the designated area as a strategic business location. The applicant has provided justification for the proposal within the Design and Access Statement, highlighting city-wide requirements for high quality grade 'A' office spaces and promoting the replacement of brownfield-land and surface car parking within the application site.

Commercial Development & Investment has been consulted as part of the scheme and have concluded that the proposal represents a net increase of approximately 5,607 FTE jobs and approximately £1,037.101 million of GVA per annum (2020 prices) if compared with the provision within Drummond House. The new business premises will enhance the strategic business location of the site, will maximise the economic potential within the defined location and enhance the existing commercial provision within the influence of Edinburgh Park Station, demonstrating compliance with the provisions a), b) and d) of LDP policy Del 4.

The amended scheme will see the replacement of the undercroft parking with a strategic multistorey car park the southeast, removing the requirements for site levels to be raised, and enabling the site to be made fully level and accessible. The partial removal of trees from the peripheral planting will be acceptable in terms of biodiversity, as identified further below, and will allow the site to become more accessible as a pedestrian and cyclist thoroughfare, enhancing the connections with services and facilities in the surrounding area. The proposal enhances the connectivity through and outwith the site, thereby, complying with LDP policy Del 4 provision g).

The proposed high-density office development will integrate well within the area whilst maximising the development potential of the site as a strategic business location. On balance, it is considered that the benefits associated with the proposal outweigh the lack of other mixed uses and the principle of the proposal is acceptable in this location.

The proposed commercial and leisure uses associated with the pavilion will be small and ancillary so justifiable in the mix of uses.

It is concluded that office development is supported by LDP policies - Emp 1, Del 4 and the Edinburgh Park/South Gyle development principles. Whilst an office led scheme, the proposal will not negatively impact on the strategic mixed-uses of the area while enhancing the strategic business location in accordance with LDP policy Del 4 - Edinburgh Park/South Gyle. The proposal also meets aspirations of Policy 9 and Policy 26 of NPF4.

## Sustainable Places

### *Climate Mitigation and Adaptation*

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

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

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

The applicant has submitted a sustainability form in support of the application. The supporting document demonstrates compliance with objectives of Scottish Building Regulations Section 6, local planning policies related to energy and sustainability, BREEAM requirements, EPC targets, and conducts analysis into both operational and embodied carbon in line with UKGBC Net Zero Carbon Framework and NPF 4.

Part A of the standards set out in the form is met through the provision of low and zero carbon technology and no fossil fuel use is proposed on site. Increased air tightness is to be developed. In addition, Air Source Heat Pumps are proposed along with roof mounted photovoltaic (PV) panels to facilitate on-site electricity generation.

Enhanced electric vehicle charging points is at 23% of overall parking spaces. Enhanced cycle storage provision for both site visitors and employees will be provided, including electric bike charging points and non-standard cycle spaces.

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

### *Air Quality*

An Air Quality Screening Assessment (AQSA) has been provided in support of the application which advises that a detailed Air Quality Impact Assessment (AQIA) is not required for the application as the proposal development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase.

The assessment takes into consideration that there are no CEC-operated monitoring sites close to the proposal, and as such, have relied on information from Air Quality in Scotland (Scottish Air Quality, 2021) and DEFRA (DEFRA, 2021) for 2022. The assessment concluded that the air quality impacts arising from the site will be negligible and the proposal acceptable.

The Council's Environmental Protection Section has been consulted on the scheme and have stated that the proposed level of parking is likely to impact upon air quality.

The quantum of development proposed in this application does not amount to over development of this site within an established business area. Of the proposed parking spaces 88 are electric vehicle (EV) charging spaces, with the remaining parking spaces to be built for EV charging in the future. (125 with accessible parking included). The proposed development also includes an E-bike hire scheme within the mobility hub, along with visitor cycle spaces. The proposed EV provision is currently in excess of the Council's required levels, and it is considered that the EV charging provision will increase within the foreseeable future. The planning authority considers that the proposed EV charging provision will go some way to mitigating air pollution and conclude that the proposed development is acceptable with regard to air quality.

Therefore, it would not be reasonable for the planning authority to insist that the applicant carry out an AQIA that considers cumulative impact or provide additional EV charging provision.

### *Flooding and Drainage*

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

Surface water is to be discharged via roof and ground networks, prior to discharging into the wider Scottish Water surface water sewers. Foul water drainage systems will discharge into existing Scottish Water foul water sewers that are already established on the site. The applicant has provided the relevant full flood risk assessment (FRA) and surface water management information for the site as part of the self-certification (with third party verification) process. The FRA does not identify any issues associated with flooding and concludes that the overall Flood Risk is low.

Flooding has raised no objection to the proposal. SEPA have no objection to the development on the grounds of flood risk.

### *Biodiversity*

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

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

An arboricultural assessment submitted in support of the application states that to facilitate the development, some of the trees and hedges on site will have to be removed. In total, 224 trees have been identified on site with most in category 'B' and 'C'. Only two trees have been identified as category 'A', with one, located to the east to be removed to facilitate the development. The remaining trees to be removed are low quality young trees with low life expectancy and can be replaced with new planting.

Site boundaries are formed of tree planting using mono-cultured varieties of Lime and Norway Maple, which provide little in the way of biodiversity and habitat creation. The tree lining also acts as permeability barrier, while hindering in-situ visibility and raising safety concerns along the streetscape. There are no tree preservation orders on these trees, and the partial removal of these trees along the east and west boundaries is acceptable.

Internally, there is greater tree species variation, including Scots Pine, Horse Chestnut, and Birch. All but six of the internal trees are to be removed to facilitate the development and to improve on the landscaped area as stated within the landscaping plan. The internal trees are of a low classification and do not have a preservation order; their removal is acceptable. New planting is proposed within the internal landscaped area and around the site to mitigate the loss of the existing vegetation, and to enhance the new landscaped active travel corridors. New trees and planting are proposed along the streetscape to enhance the street frontages, within the active travel corridors running between the office buildings, and within the internal open space provision. The proposed planting includes a further 23 varieties of trees, along with a diverse variety of shrubs and other vegetation ensuring that the new planting will enhance the existing biodiversity and habitat potential of the site. The greater variety of planting will also act to enhance the site's resilience against diseases.

A landscaping plan has been provided. It illustrates planting along site boundaries containing shrubs and trees to soften building boundaries and entrances. The landscaping plan has also illustrated the treatment of the large internal open space, by selectively rewilding and improving on the existing open space provision. A condition has been added requiring that the landscaping is carried out within a specified timescale. Subject to this, the proposal is in accordance with NPF4 Policy 3 and LDP Policy Env 12.

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

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

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

### ***Conclusion in relation to climate mitigation and adaptation***

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

The development will also support and encourage local biodiversity and will have no adverse impact on protected species or significant trees, in accordance with NPF4 Policy 3 and LDP Policy Env 12, subject to landscaping mitigation measures which can be dealt by condition.

## Design, Quality and Place

LDP Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place and design should be based on an overall design concept that draws upon positive characteristics of the surrounding area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated, and enhanced through its design.

LDP Policy Des 4 (Development Design - Impact on Setting), notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) supports development which takes a comprehensive and integrated approach to the layout of buildings streets open spaces, public paths and SUDs features. Layouts should encourage cycling and walking, promote safe access throughout the site and have regard for the needs of people with limited mobility.

LDP Policy Des 8 (Public Realm and Landscape Design) states that planning permission will be granted for development where all external spaces, and features, including streets, footpaths, civic spaces, green spaces boundary treatments and public art have been designed as an integral part of the scheme as a whole.

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

The proposals are considered to be generally consistent with the six qualities of successful places. They are 'Healthy', through the quality and range of the proposed recreational spaces, and 'Pleasant' through the creation of inclusive opportunities to interact socially and with nature. 'Connected' has been considered through the enhancement of pedestrian and active travel links through the site and they are 'Distinctive', as evidenced by the appearance of the glazed modern office buildings and by the use of living walls and roof terrace to be formed. 'Sustainable' is evident by the ventilation strategy and use of non-greenhouse energy systems. And regard to 'Adaptable' is seen through the flexibility in internal and external outside spaces.

The modern material palette of the structures makes attempt to reflect the architectural characteristics of the business and office surroundings, and this is deemed appropriate for the nature of the application site as a modern 'A' grade office development. Large glazed and terraced levels introduce verticality to the site, while creating a transparent and welcoming atmosphere between the spatial hierarchy of office and public spaces.

The layout of the proposal promotes permeability and travel by active means and the lighting strategy should increase their attractiveness during hours of darkness and improve community security.

The application has been amended in light of concerns raised about the potential overshadowing onto neighbouring developments. The office and MCSP buildings have been repositioned into the site by 5 metres, ensuring that the level of overshadowing onto neighbours is significantly reduced. The repositioned structures will have a negligible impact on neighbouring overshadowing as identified within the supporting Sunlight & Overshadowing Analysis.

The supporting Landscape and Visual Assessment identifies that there will be major-moderate impacts as a result of the demolition and construction phase of the development. As the demolition of Drummond House has since occurred, the impacts anticipated, although intrusive, would not occur over a long period of time. As such, it is assessed that the cumulative impact from the construction phase of the site will be considerate and acceptable.

The LVA identifies 12 viewpoints and assess the impact on permanent views from the proposal. The LVA identifies that the proposal will have some impact on surrounding views; these impacts have been assessed to be moderate and minor in nature. The amended proposals would have slight or little discernible change in key views, and the impacts would be in the form of a higher visual impact from the built form of new structures. In light of the desire to attain higher density developments within the area, the slight increase in urban visibility would be acceptable and understood given the context of the area. As such, the permanent impact from the proposals are moderate at most and acceptable when considered within the wider area.

It is considered that Edinburgh Green, through the quality of its architecture and materials, will improve the quality of the area and have a positive impact on its surroundings.

The proposals are considered to be in accordance with the intent and outcomes of NPF4 Policy 14 and LDP Policy Des 1, Des 3, Des 4, Des 5, Des 7 and Des 8.

### Amenity

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

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

A noise impact assessment has been provided in support of the application which considers the potential noise impacts associated with the proposal on the nearest noise sensitive receptors to the site. The nearest sensitive receptors are located approximately 40m from the south western verge of the site. The NIA has identified 48 no. Condensers, 6 no. Hot Water Air Source Heat Pumps and 5 no. Air Handling Units are to be used for the Energy Strategy for each of the office buildings.



The plant is to be located on the roof terrace, enclosed behind baffles. The NIA advises that plant noise will not impact upon the residential amenity of any surrounding noise sensitive properties. The Environmental Protection Service has assessed the proposal in terms of impact on amenity and has concluded that the proposals will not have a detrimental impact on neighbour amenity.

The application will not have a detrimental impact on amenity and complies with LDP Policy Des 4 and NPF4 Policy 26e).

### Open Space

LDP policy Env 20 - Open space in new development aims to ensure that development proposals (other than housing) include appropriate open space provision and contribute to Edinburgh's green network where the opportunity arises. This includes green space and civic space.

The proposal includes a variety of public spaces set within the central open space, forming a central civic and natural space for future users and for members of the general public.

The civic square is set around the proposed pavilion and forms seating spaces and an outdoor sports facility. The remaining open space is natural in nature, and is composed of wild meadows, short grass, and blue infrastructure. The quality and usability of the proposed spaces is considered to be good, diverse and appropriate in size, scale and usability to the level of development proposed.

The site has limited scenic quality due to its current uses and adjoining land uses, it has no rare elements or features. The proposal includes a satisfactory landscape plan which will enhance the local landscape quality and will include opportunities for enjoying and learning about natural environment through its green network and amenity spaces.

### Transportation

#### *Access and Traffic Generation*

LDP Policy Tra 1 (Location of Major Travel Generating Development) states that development which would generate significant travel demand shall demonstrate the suitability of a proposal having regard to: a) the accessibility of the site by modes other than the car b) the contribution the proposal makes to Local Transport Strategy objectives and the effect on targets in respect of overall travel patterns and car use c) impact of any travel demand generated by the new development on the existing road and public transport networks.

The site is in a location that is identified as having a high level of general public transport accessibility in the form of bus stops around the site and, within 250m of the Edinburgh Park Central tram stop and within 400m of the Edinburgh Park rail station, ensuring that non-vehicle modes of transport are accessible and can be preferred by future users of the site. The introduction of a mobility hub to the Redheughs Avenue bus stop will further promote non-vehicle modes of transport by creating a high-quality active travel and public transport interchange for both users of the site and users within the immediate vicinity of the application area.

Pedestrian and cycle permeability through the site will be enhanced through new east-west and north-south active travel corridors, ensuring a higher connection with the wider area while promoting a more active travel user base. The loss of the raised ground level ensures that the entire site is level, allowing barrier free level access and enhancing the connectivity and permeability through the application site.

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

The applicants have demonstrated that the location proposed is suitable with regard to access by walking, cycling and public transport. Further infrastructure is proposed to promote active travel and public transport options, and the site is made permeable and accessible. The application is acceptable and complies with LDP Policy Tra 1.

### *Car and Cycle Parking*

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

A Transport Statement has been submitted in support of the application which highlights the overall reduction of vehicle parking on the site from the existing provision of 930 vehicle spaces distributed in large surface parking, to 516 vehicle spaces located within the south-east multi-storey car park. 88 of these spaces are EV charging spaces, with the remaining spaces labelled as 'enabled for the future'.

A further 37 accessible bays, that are EV charging spaces, are distributed to the rear of each office block. The number of accessible spaces and EV car parking charging points exceeds the Council's minimum requirement and is acceptable.

The total vehicle parking provision, of 553 spaces, exceeds the Council's Parking Standards which permit up to 1 space per 385m<sup>2</sup> for office use. Therefore, the current vehicle parking provision is in excess of 321 vehicle parking spaces.

The City Mobility Plan (CMP) 2021-2030 includes measurable transport mode share targets which target delivery of more sustainable travel within the city. The mode share targets have been identified within the City Mobility Plan - Mode Share Targets report, which was approved on 11th November 2021. The mode share targets in the CMP are based upon planning for a 30% reduction in kilometres (KMs) travelled by car by Edinburgh residents to contribute to the Scottish Government's target of a national reduction of 20% in car KMs by 2030.

The applicant has reduced the amount of car parking provision by 30% from what existed on site taking cognisance of the 30% mode share target in the CMP. The applicant has demonstrated within the TS, that despite the infringement of parking standards, the level of parking proposed relative to development density will achieve a car mode share of 11% which is less than for the surrounding developments and less than the 30% observed across the city. Traffic generation will be lower than the existing development on site and would be acceptable within the context of the wider area.

This is due to the higher density of development proposed, due to the location of the MSCP, and due to the alternative modes of transportation available on and around the development.

The Roads Authority does not object to the proposal, however, have issued an informative restricting parking to 232 parking spaces.

On balance, the applicants have demonstrated that traffic generated from the development site and the car-mode share will reduce vehicle kilometres which reflects the Council's objectives. Therefore, despite an infringement in parking standards, the proposal will reduce the existing parking provision and will reduce overall traffic generation from the site. As such, it is considered that the proposals will have a negligible impact on road usage and is acceptable in terms of parking provision and traffic generation. A condition is recommended in relation to phasing to ensure that the existing surface car park is put out of use before the multi-storey car park is brought into use.

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

The cycle parking is as follows:

Cycle parking, along with changing facilities are located on the ground floors of each office building. Visitor parking is distributed throughout the landscaped area of the site with further cycle parking located in the mobility hub to the north. The proposed 607 cycle parking spaces is made up of: 150 folding bikes lockers (25%), 226 two-tier (37%), 157 Sheffield stand spaces (29%) and 74 non-standard cycle spaces (12%). There is an addition 112 visitor spaces.

In terms of quantum of spaces, the proposed provision of cycle parking spaces complies with the Council's Parking Standards.

### ***Conclusion in relation to climate mitigation and adaptation***

In conclusion, the proposal will be in an infringement of Council's parking standards. However, the applicants have demonstrated that traffic generated from the development site and the car-mode share will reduce vehicle kilometres which reflects the Council's objective. The provision of EV charging points, accessible bays and the cycle provision will meet the Council's requirements of LDP Policies Tra 1, Tra 3 and the proposal is acceptable in terms of transport considerations.

### **Archaeological Remains**

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

The application site is adjacent to the presumed southern limits of the Gogar/Corstorphine Loch. This shallow post-glacial body of water which stretched westwards from the Gyle towards Corstorphine in the east, finally being drained in the post-medieval period (17th/18th centuries). The loch formed an important focal point for prehistoric, Roman, Dark Age, medieval and latter occupation, and transport.

The site is therefore regarded as occurring within an area of archaeological potential. It is essential therefore that a programme of archaeological work is carried prior to development to ensure the appropriate excavation, recording and analysis of any surviving archaeological remains is undertaken. Accordingly, if permission is granted it is essential that a programme of archaeological works (excavation, analysis & reporting, publication, and public engagement) is undertaken prior to commencement of development in site. This is secured by condition.

The proposed development is in accordance with NPF4 Policy 7.

### Edinburgh Airport

Edinburgh Airport has raised no objection to the proposal subject to a condition requiring a bird hazard management plan submitted prior to the commencement of works and obstacle lighting. Further information should be submitted with regards the landscaping plan including numbers of specific trees and an obstacle lighting plan.

### Infrastructure first

#### **Tram**

Policy 18 of NPF4 encourages an infrastructure first approach to planning and placemaking. The Edinburgh LDP, through policy Del 1 (Developer Contributions) part 1a) and associated Action Programme items, promote sustainable travel and continuing development of Edinburgh's tram network. The application site is within the Tram Contribution Zone as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The Roads Authority has requested that the applicant contributes the sum of £2,764,944 towards the Edinburgh Tram and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards sustainable transport infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

### ***Conclusion in relation to the Development Plan***

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

### **c) other matters to consider**

The following matters have been identified for consideration:

## **Emerging policy context**

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

### Equalities and human rights

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

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

### Public representations

The application received 10 letters of representation, 8 objection and 1 comment in support, and 1 neither in support nor objection to the scheme.

The amended scheme was re-notified and received 1 letter of representation, and 1 further letter of representation received after the re-notification period had concluded. Both letters were in objection to the scheme.

The representations are summarised as follows and addressed in the Report of Handling.

### Principle

- The proposal does not include residential uses as part of a mixed-use development.

### Transport matters

- The proposal will lead to increased traffic;
- The proposed parking exceeds council standards of one space per unit;
- There is a general lack of cycle provision;
- The proposal will not enhance existing pedestrian and cycle movement through and out-with the site;
- There is limited assessment on the impact on public transport options as a result of the increase in users;

### Design matters

- The proposed mass, scale and density of the site will have a detrimental impact on neighbouring overshadowing;

## Amenity matters

- Excessive vehicle parking provision will have a detrimental impact on neighbour amenity in the area in terms of air pollution and noise;

### ***Conclusion in relation to other matters considered.***

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

### **Overall conclusion**

It is concluded that the principle of the development complies with the policies of the Edinburgh Local Development Plan the proposal will not negatively impact on the strategic mixed uses of the area while enhancing the strategic business location. The proposal is compatible with policy priorities that include sustainability in terms of materials use, climate change mitigation and adaptation, and development on brownfield land. The minor infringement on Council Parking Standards is considered acceptable as the proposal will reduce the existing parking provision and will reduce overall traffic generation from the site.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Design Guidance. There are no material considerations that outweigh this conclusion.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The car parking approved in the Multi Storey Car Park (MSCP) is not made available until such time as the existing surface car parking is decommissioned and put out of use, details to be submitted to the planning authority.
3. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

5. 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

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 development. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

6. An obstacle light shall be placed on the highest point of Block A and Block G within the development. The obstacle light must be a Type B low intensity steady state red light with a minimum of 32 candelas. Periods of illumination of obstacle lights, obstacle light locations and obstacle light photometric performance must all be in accordance with the requirements of 'CAP168 Licensing of Aerodromes' (available at [www.caa.co.uk/srg/aerodrome](http://www.caa.co.uk/srg/aerodrome)).
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
8. The parking spaces with electric vehicle infrastructure as shown in drawings referenced 159-7N-CP-00-DR-A-10100 - Proposed Level 00 GA Plan (P00), 159-7N-CP-01-DR-A-10101 - Proposed Typical GA Plan (Levels 01 - 06) (P00) both dated 3/8/23 and 159-7N-EG-00-DR-A-10000 - Proposed Level 00 GA Site Plan (P02) dated 9/6/22 shall be fitted with at least a 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. All other spaces shall be EV enabled (connected so that above ground features are the only future required addition) to allow future connection to easily take place. All full EV spaces shall be installed and operational in full prior to the development being occupied. All other spaces shall be connected to ground level prior to start of use of car park.
9. The pavilion premises shall be restricted to Use Class 3.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the level of vehicle parking provision complies with the approved drawings.
3. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
4. In order to safeguard the interests of archaeological heritage.

5. 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.
6. Permanent illuminated obstacle lights are required to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport.
7. In order to ensure that the approved landscaping works are properly established on site.
8. In order to ensure that electric vehicle charging infrastructure is suitable.
9. In order to protect neighbouring amenity from any additional noise/odour caused by the proposal.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a planning obligation or other suitable legal agreement has been concluded in relation to tram contributions.

The applicant will be required to contribute the net sum of £2,764,944 (based on 89,151m<sup>2</sup> proposed office (£4,635,852) and 35,974m<sup>2</sup> existing office (£1,870,908) in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report.

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. Bat and bird boxes, invertebrate niches such as bee/insect 'hotels' should be provided on the site and additionally, swift bricks and bat bricks should be included on elevations of new buildings and within the site.
5. The applicant should be required to provide a maximum of 232 car parking spaces in line with the Council's parking standards which permit up to 1 space per 385m<sup>2</sup> for office use.



6. The applicant will be required to contribute the net sum of £2,764,944 (based on 89,151m<sup>2</sup> proposed office (£4,635,852) and 35,974m<sup>2</sup> existing office (£1,870,908) in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.
7. The applicant should consider the provision of car club vehicles in the area.
8. 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.
9. 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.
10. A wildlife friendly lighting scheme should be utilised during both the construction and operational phases.

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 29 November 2022**

### **Drawing Numbers/Scheme**

01A-26A,27,28A-37A,38,39A-47A,48,49A-56A,57,58A-76A,77-86,87A-97A

Scheme 2

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

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

## Appendix 1

### Summary of Consultation Responses

NAME: City Archaeologist  
COMMENT: No objection, subject to condition.  
DATE: 7 December 2022

NAME: Edinburgh Airport  
COMMENT: No objection, subject to conditions.  
DATE: 16 January 2023

NAME: Environmental Protection  
COMMENT: Environmental Protection raises concerns but does not object to the application  
DATE: 14 December 2023

NAME: Scottish Water  
COMMENT: Scottish Water has no objection to this planning application  
DATE: 2 December 2022

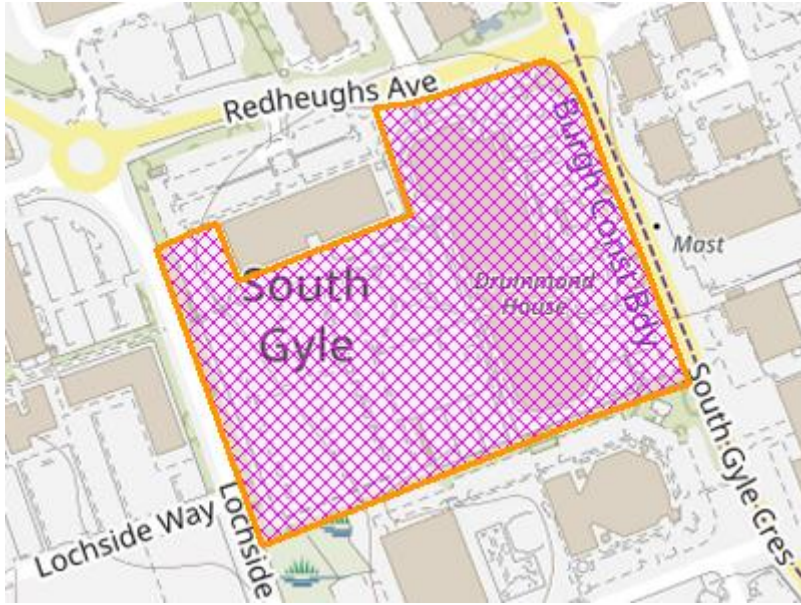
NAME: SEPA  
COMMENT: no objection  
DATE: 15 December 2022

NAME: Commercial Development & Investment  
COMMENT: It is estimated that the proposed development could support approximately 7,864 FTE jobs (7,832 + 32) and £1,456.765 million of GVA per annum (2020 prices) (£1,456.274 + £0.491) if fully let. By comparison, it is estimated that the existing building could support approximately 2,257 FTE jobs and £419.664 million of GVA per annum (2020 prices) if fully let. This represents a net increase of 5,607 FTE jobs (7,864 - 2,257) and £1,037.101 million of GVA per annum (2020 prices) (£1,456.765 - £419.664). Modern office space would be delivered in a strategic location.  
DATE: 29 November 2022

NAME: Roads Authority  
COMMENT: No objection, subject to informatives/conditions.  
DATE: 12 December 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 24 January 2024**

**Application for Planning Permission  
land east of 16 Sibbald Walk, Edinburgh.**

**Proposal: Erection of mixed-use development comprising student accommodation, affordable housing, and commercial / community use (class 1A and / or Class 3) with associated landscaping, infrastructure and access arrangements. (as amended)**

**Item – Committee Decision  
Application Number – 23/03463/FUL  
Ward – B11 - City Centre**

### **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because the Chief Planner considers the proposal to be of significant public interest. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, it is in accordance with the development plan and NPF4.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings. The uses are compatible with the mixed character of this city centre area. The student use will not have an adverse impact on maintenance of a balanced community. It is of an appropriate design and will not harm the qualities that justify the inscription of a World Heritage Site or its setting. It is a sustainable development, promoting use of sustainable transport through appropriately designed cycle storage and a proximity to public transport.

A car-parking free development is appropriate in this location. Sustainable features are incorporated. The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents. No specific issues of flooding, archaeology, ecology, or road safety are raised. Other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The site is brownfield land which was historically part of the bus depot. It is the last cleared area identified for a wider mixed-use re-development originally through the Caltongate Masterplan.

It is bordered by modern buildings which is part of this regeneration including recently constructed offices (Queen Elizabeth House) to the west and residential flats (Queensferry Apartments). Slightly older flats are also located to the south and east. There are several listed buildings beyond this to the south.

The site is located within the Old Town Conservation Area and Old and New Towns of Edinburgh World Heritage Site.

The site area is 0.245 hectares in total.

### **Description of the Proposal**

A mixed-use development including purpose-built student accommodation (PBSA), residential townhouses and a commercial (class 1A or class 3) or community unit with associated landscaping, infrastructure, and access arrangements.

The PBSA will include 267 beds in total comprising of 207 studio beds and 60 cluster bedrooms varying in size from 16 m<sup>2</sup> to 26 m<sup>2</sup>. 15 of these rooms will also be DDA compliant.

The development will be a mixture of five to seven storeys on three sides (north, south, west) with three storey townhouses (east). The commercial unit will be to the north of the site comprising of 278 m<sup>2</sup> floorspace.

The building will be approximately a maximum height of 22m, depth of 81m and width of 33m with the height stepping down to Calton Road. The larger parts of the development here incorporate flat green roof expanse accommodating solar panels and plant machinery. The lower, west side includes dual pitched roofs similar in form to modern developments to the south.

External materials include white rendered walls, dark grey zinc clad roofs and sandstone cladding on the buildings west side.

An internal landscaped courtyard will be formed serving the student accommodation which will comprise 11 % of the overall site area.

Each townhouse will include three bedrooms and range between 111 m<sup>2</sup> to 122 m<sup>2</sup> with balcony spaces (6 to 7 m<sup>2</sup>) facing Shoemakers Close. These are proposed to be affordable housing units. External materials include white rendered walls, dark grey zinc clad roofs and sandstone cladding on the buildings west side.

An internal cycle store for the townhouses will be provided accessed from Shoemaker's Close including 8 standard and 2 non-standard Sheffield spaces. The PBSA cycle store will be located at basement level accessed from the central courtyard including 267 spaces in total including 95 (36 %) upper tier above standard Sheffield racks, 80 (30%) Sheffield racks, 54 (20%) non-standard Sheffield spaces and 38 (14%) two tier arrangement.

Pedestrian access to the PBSA will be from Sibbald Walk and Shoemakers' Close for the townhouses.

### **Supporting Information**

- Air Quality Impact Assessment
- Archaeology Statement
- Daylight and Sunlight information
- Design and Access Statement
- Energy Strategy Report
- Flood Risk Assessment
- Ground Investigation report
- Heritage
- Noise Impact Assessment
- Planning Statement
- Pre-application consultation report
- Student need assessment
- Surface Water Management plan
- Sustainability Information
- Transport Statement
- Verified views
- Visualisations

### **Revised Scheme**

- Building height reduced from 8 to 7 storeys on west elevation and 6 to 5 storeys on south elevation.
- Solar panels reduced on flat roofs.
- Increased glazing on east side of commercial unit.
- Additional windows on townhouse on north and west elevations.
- Detailing included on gable wall of south elevation with recessed vertical section.
- Additional detail of landscaping in internal courtyard.
- Changes to cycle parking to increase provision of non-standard spaces.

## **Relevant Site History**

23/01846/SCR  
Land east of Sibbald Walk  
Edinburgh.  
Request for EIA Screening Opinion.  
EIA Not Required  
15 June 2023

23/01777/PAN  
Land east of Sibbald Walk  
Edinburgh.  
Erection of mixed-use development comprising student accommodation, affordable housing and commercial/community uses with associated landscaping, infrastructure, and access arrangements.  
Pre-application Consultation approved.  
15 May 2023

## **Other Relevant Site History**

The site has an extensive planning history detailed below. The site forms part of the wider Caltongate site approved for mixed use development of residential and a range of commercial / community use under planning permission 07/04400/FUL. The design of this development was subsequently amended under subsequent variations. Through this planning history, the site has an extant planning permission for a mixed-use residential development.

21st February 2006 - Conservation area consent granted for a demolition of entire former bus garage - application reference: 05/01777/CON.

30th October 2008 - Planning permission granted for erection of buildings for residential and business (class 4) and/or community facility, and retail (class 1) and/or food + drink (Class 3) purposes. Podium structure, car parking, access, open space and landscaping including public square and pend / arcade route off Canongate, works to south end of New Street, and associated works - application reference: 07/04400/FUL.

22nd May 2013 - Section 42 application granted to vary condition 3 (Archaeology); condition 4 (Sustainability Management System); Condition 6 (Construction Details); Condition 7 (Sustainability Management System); and Condition 17 (Boundary Treatments) of planning permission 07/04400/FUL - application reference: 13/00096/FUL.

13th December 2016 - Section 42 application granted to vary condition 4 of planning permission 13/00096/FUL in relation to a CCTV scheme - application reference: 16/01576/FUL.



29th November 2019 - Section 42 application granted to remove condition 4 in relation to details of CCTV scheme and condition 6 in relation to SMS + D&P stage BREEAM assessments - application reference: 19/03696/FUL.

23rd June 2022 - Planning permission 16/01576/FUL varied - application reference : 16/01576/VAR4

23rd June 2022 - Planning permission 19/03696/FUL varied - application reference : 19/03696/VARY

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Transport planning

Waste Planning

Flood Planning

SEPA

Scottish Water

Environmental Protection

Edinburgh World Heritage

Archaeology

Historic Environment Scotland

Affordable Housing

HES

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 August 2023

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 25 August 2023

**Site Notices Date(s):** 22 August 2023

**Number of Contributors:** 13

## Section B - Assessment

### Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## Assessment

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

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

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

- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent

*Canongate Tolbooth, Category A listed LB ref:27582, dated 14/12/1970*

The Tolbooth marks the historic focal point of the burgh of Canongate at the top of Tolbooth Wynd and is a key identifier of the skyline, visible in longer views.

Considering the new development will be surrounded by modern buildings of similar scale and will be sufficiently spaced from this historic asset no visual interference, or impact on its setting will occur.

*Canongate Parish Church and Churchyard, LB ref:26823, dated 14/12/1970.*

The setting of the church and churchyard is defined by an atypical open space within the comparatively dense urban characteristics of the Canongate.

In a similar manner to the above, the proportionate scale of the development in tandem with the space retained to this asset will avoid any impact on its setting.

*Tenements on Canongate, including:*

*183-187 Canongate, Category B Listed, LB ref:28434.*

*189 -191 Canongate, Category B Listed, LB ref: 28435.*

*191-193 Canongate, Category C Listed LB ref:28436*

*195 and 197 Canongate, Category B listed LB ref:28437*

In longer view, the development is not seen in the immediate context of these historic tenements, being separated by the modern buildings to the sites' south.

Its scale will not impact on any views onto their roofscape or impact on their setting.

### **Conclusion in relation to the listed building**

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

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

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community. Furthermore, the appraisal states that greater increases in height and density of buildings occurred through population increases in the 17th and 18th century. There is a clear contrast in density and built form between the original walled city and relative openness of the Canongate.

The Caltongate Masterplan refers to roofscapes being fragmented, well-articulated and large flat roof expanses being avoided to affect the complex roofscape of the Old Town.

The site is located in an area with a relatively high density in the Old Town. Far south, are five and six storey historic tenement buildings whilst larger modern buildings border the site nearby.

As a cleared, brownfield land which has been unoccupied for over 15 years the site does not currently make a positive contribution to this historic environment. Whilst near historic buildings, the site is in a part of the Old Town which has undergone change with large modern buildings bordering the site to the south and west. The building heights and scale are compatible with this immediate context. They broadly continue this recent pattern of development with larger mass to the west side and a lower scale achieved to the east. Importantly, this scale of development will avoid interfering with wider views of this historic townscape as evidenced in submitted visuals.

The wide use of modern, alternate materials is appropriate here where a mix of materials evident in the immediate context. The buff sandstone fronting Sibbald Walk takes cues from the historic Old Town and blends suitably with adjacent modern offices. The render finish on all other sides has been used on elevations of old and new buildings.

The dark grey zinc is in keeping with modern roofscapes nearby. The site is visible from elevated positions, and it is important the colour and quality of the roof material blends well with the wider townscape. This matter will therefore be assessed in detail as part of a condition requiring specification of all external materials.

In regard to roof form, the development generally achieves the masterplan intentions of reflecting the complex Old Town roofscape. Its east side is well articulated through the pitched roof forms. Roof fragmentation is achieved to the west by the incremental step down in building heights. The appearance of any flat roof expanse here is softened with use of green roofs.

## Conclusion in relation to the conservation area

Overall, the development is of scale, form and design that is appropriate to this historic environment. Therefore, it is acceptable in terms of 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:

- LDP Environment policy Env 12, Env 21, Env 22
- LDP Transport policy Tra 2, Tra 3, Tra 4
- LDP Design policies Des 1, Des 2, Des 4, Des 5, Des 7, Des 8
- LDP Housing policy Hou 1, Hou3, Hou 4, Hou 6, Hou 8
- NPF 4 Sustainable Place policies 1, 2, 3, 4, 7, 9, 13
- NPF 4 Liveable Place polices 14, 15, 16, 20, 22
- NPF 4 Productive Place policies 27, 28

The non-statutory Edinburgh Design Guidance is applicable when considering a number of these policies.

### Use

#### *New Street Redevelopment*

LDP policy Hou 1 (Housing Development) states that priority will be given to delivery of housing land supply including the following relevant criteria:

- a) sites allocated in this plan through tables 3 and 4 and as shown on the proposals map.
- b) business led mixed use proposals at Edinburgh Park/ South Gyle
- c) mixed use regeneration proposals in the City Centre
- d) on other suitable sites in the urban area

NPF 4 policy 27 (City, town, local and commercial centres) e) supports new build residential development in town or city centres.

The site is part of City Centre Area CC2 in the LDP detailed as for housing as part of a major mixed use development opportunity with maximum capacity of 250. Furthermore, the New Street Development Principles seek a major mixed-use redevelopment to create a sustainable and integrated city quarter. A mix of uses should be provided including housing, offices, small business units, hotels, shops, food and drink premises and community facilities.

The Caltongate Masterplan (2006) outlines the minimum and maximum uses proposed for this whole site. For residential (open market) this is 160 to 250 units. The masterplan also refers to the schedule of uses as not a rigid land use allocation but sets out broad land uses considered acceptable in principle.

106 residential units have been delivered across the Caltongate Masterplan Area. Therefore, as this is the last site to be re-developed, delivery of student accommodation will mean the overall unit numbers detailed above will not be met. However, these targets are not statutory as they are not referenced in the later LDP.

As above, student use is not specifically detailed under this 'CC2' designation however the list of expected uses here does not preclude other appropriate uses. In this city centre location, the student use is appropriately located. It is compatible with other uses detailed as part of this 'commercial-led mixed-use redevelopment'. It accords with the New Street Development Principles in helping create a sustainable and integrated city quarter.

An infringement of the guidance figures set out in the Masterplan is acceptable here as overall the student use complies with the New Street development principles set out in the LDP. It is a compatible use as part of a mixed-use redevelopment that helps create a sustainable and integrated city quarter. On a small-scale, the three residential units proposed will help support principles of city centre living identified in NPF 4.

### *Student*

LDP policy Hou 8 - refers to permission being granted for purpose-built student accommodation where:

- a) its location is appropriate in terms of access to university or college facilities by walking, cycling or public transport.
- b) states it will not result in an excessive concentration of student accommodation to an extent that would be detrimental to the balance of communities, or established character and residential amenity.

The Student Housing Guidance also includes the following criteria (a to d) to inform assessment of this use.

- a) relates to sharing a boundary or separated only by a road to a main university or college campus.
- b) outwith criteria a) student housing will generally be supportable on sites less than 0.25 ha, with consideration given to its cumulative impact and on area's character.
- c) is for sites out with criteria a) and b)
- d) to the delivery of a mix type of accommodation being provided.

Balanced sustainable communities require the dominant residential component to be permanent and not transient.

The guidance also refers to there being a greater potential for community imbalance where the student population is dominant, exceeding 50%.

### *Location*

The University of Edinburgh buildings on the south side of Canongate can be accessed in less than a five-minute walk via a footway on Sibbald Walk which links to a zebra crossing. Other university buildings on St John's Street, Holyrood Road and Pleasance are between a 5-to-10-minute walk.

Bus stops are in close proximity on Canongate via the Lothian 35 service linking to University of Edinburgh on Forrest Road Napier University at Sighthill and Heriot-Watt University with journey times between 10 to 45 minutes. In addition, a range of bus services are accessible on North Bridge.

The National Cycle Network (NCN) Route 1 can be accessed at the Innocent Railway Path and Meadows to the south and west.

The site has appropriate access to educational facilities via a range of sustainable transport modes.

### *Concentration*

Based on 2011 census, the student population comprised of 37 % of the total population in a ten-minute walking distance from the site.

Since then, population estimates become less certain so only maximum student concentrations can reasonably be arrived at.

The 2021 population estimates show 13,348 people. Allowing for PBSA permissions since the census there is a maximum student population of 5,736 (43%).

After 2021, the estimated population is 13,706 with estimated 6,094 students (44%). As per the above, this is an estimated maximum figure assuming all PBSA permissions are fully occupied and not accounting for any potential displacement impact.

The proposed addition of 267 students will have a small percentage increase to the proportion of students in this area. The site is in a city centre location where a higher degree of transient population might now reasonably be expected. For example, hotels are located near to tourist attractions and good transport links and student accommodation near education facilities.

In light of this, the proposals will not result in an excessive cumulative impact on the concentration of students in the locality to the degree that would be detrimental to maintenance of a balanced community.

The area contains a mix of uses, and the proposal will not be detrimental to the established character or residential amenity.

The proposal provides a mix type of accommodation with 207 studio and 60 four- or five-bedroom cluster flats. The site is less than 0.25 ha therefore does not require to provide 50 % residential as part of the development.

The proposal complies with LDP policy Hou 8 and the Student Housing Guidance.

### *Affordable Housing*

LDP policy Hou 6 (Affordable Housing) states planning permission for residential development of 12 units or more should include provision for 25 % affordable housing.

The Caltongate Masterplan also seeks affordable housing provision of a minimum of 40 and maximum of 63 units.

Over 37 % (40 of 106) of residential units across the whole Caltongate site are affordable. The applicant proposes the three townhouses to be affordable units which would marginally increase this overall provision.

Affordable Housing has raised concern regarding the viability of delivering three affordable housing units on this site.

The proportion of residential units delivered as affordable exceed the 25 % required in previous legal agreements (s) across the Caltongate Site. Given this, and the fact the above LDP policy only applies to applications for 12 residential units or more there is no reasonable planning means to ensure this further provision will be secured. This would therefore be a matter for the applicant to pursue outwith this planning application.

### *Commercial or Community Use*

NPF 4 policy 27 (City, town, local and commercial centres) a) states proposals that enhance and improve viability of city centres will be supported. Part b) refers to the town centre approach for location of uses including commercial.

NPF 4 policy 28 (Retail) a) states development proposals for retail will be supported in existing city centres. Part c) refers to support for small scale retail development that contribute towards local living.

The commercial (Class 1A or 3) or community unit is supportable in principle as the site is in the city centre as defined in the LDP. The unit will help support local living by providing a shop or service in proximity to residential accommodation nearby.

The Caltongate Masterplan does not specifically outline this site for these uses; however, this is not a rigid land use allocation. Commercial or community use are compatible with the development principles detailed for the re-development of New Street 'CC2' in the LDP.

Therefore, the principle of these uses are acceptable complying with relevant sections of the LDP, NPF 4 policy 27 and 28.

### World Heritage

NPF 4 policy 7 l) states development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value (OUV) is protected and preserved.



The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (WHS) are defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

Edinburgh World Heritage have been consulted on the proposal and raise concern that a more contextual design, materials and massing of development has not been taken.

As cleared, vacant brownfield land for several years the site appears as a gap in the townscape as seen from some elevated views. In this respect, it does not presently contribute positively to the WHS, or its setting.

As previously detailed, this part of the WHS has undergone significant change. The site being bordered by large, modern buildings forming part of the wider New Street re-development. This re-development has already changed some wider townscape views from North Bridge and Calton Hill for example.

This new development is of a similar scale, form, design, and materials to this modern change nearby. In this context, it is a compatible development that will have no adverse physical effects on the World Heritage Site or its setting.

WHS also made comment on the potential for notable impact on community resilience from this use.

The student use can be more transient than other uses. However, it forms part of a proposal that brings new uses to a vacant site which will help support local facilities nearby. The student use will not be harmful to the mix of uses evident in the Old Town.

Overall, the development will not harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with NPF 4 policy 7.

### Design

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

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

LDP policy Des 2 (Co-ordinated Development) states development will not compromise the effective development of adjacent land.

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

LDP policy Des 4 (Design - Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape. Considerations include height, form, scale, proportions, position, materials and detailing.

LDP policy Des 7 (Layout Design) refers to development having a comprehensive and integrated approach to layout of buildings to ensure ease of movement (cycling, walking) within the site, having regard especially to matters of accessibility for all and appropriate access to sustainable modes of transport.

LDP policy Des 8 (Public Realm and Landscape Design) refers to permission being granted for external spaces that have been designed as an integral part of the whole.

The development will be in keeping with the scale of buildings nearby where there are varying heights evident in the townscape.

Its form takes cues from these buildings. The flat roof expanses align with modern office buildings to its west whilst pitched roof forms align with old and new roofscapes nearby. Green roofs will help soften the buildings appearance in longer view.

Modern materials (zinc, white render, aluminium detailing) will match more recent developments nearby and appear compatible in this regard. Use of natural stone on its west side takes reference from its historic, Old Town context.

New windows serving habitable rooms will create additional overlooking onto all routes helping enhance the safety of public spaces. Views onto the sites' secondary route (south) whilst more restricted by the storage of plant at street level will still be improved by new upper floor glazing. In tandem with views from existing uses facing this route, its general safety for users will still be enhanced.

The absence of routes through limits ease of movement within the site, which differs from the extant permission where private access routes were included. However, overlooked footpaths bordering the sites' edge will connect to existing pedestrian routes to the east and west. This will still encouraging safe, convenient car-free movements. Whilst restricted by the sites' sloped nature, an accessible, car-free route will be provided from New Street to the building entrance at Sibbald Walk.

New soft landscaping here will help create a healthy, pleasant environment for users. The ground floor unit will enhance urban vitality with an active street frontage with large, glazed openings and future community or commercial use.

With regard to adaptability, the submitted D & A statement outlines the potential for the student internal layout to be changed for residential use accommodating varying unit sizes. However, alternate schemes cannot materially be assessed in the determination of this application.

The design aligns with wider considerations of creating a safer, more pleasant, and healthy place. Other identified place qualities are considered through other sections of the report. The scale, height, form, materials and detailing are of appropriate as they are compatible with the wider townscape.

Overall, the proposal complies with applicable LDP and NPF4 Design policies.

## Sustainability

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

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

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

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

The development includes measures to help mitigate impacts of climate change. Green roofs will be incorporated with solar panels, a rain garden, air source heat pumps and a heat recovery system.

It will re-use brownfield land in a sustainable location.

Reduced reliance on car usage is encouraged whilst provision of appropriately designed cycles encourages use of sustainable transport modes.

Overall, the proposal is a sustainable development which re-uses brownfield land. It therefore complies with NPF4 policy 1, 2, 9 and 14 b) regarding sustainability.

## *Ecology*

NPF 4 policy 3 b) (Biodiversity) states development proposals for major development will only be supported that conserve, restore and enhance biodiversity.

LDP policy Env 12 (Trees) states development likely to have damaging impact on protected trees will not be supported.

The landscaped courtyard space will include 14 new trees and shrubs, rain gardens, hedging and climbers. Planting beds will front Sibbald Walk whilst a wildflower mix will be incorporated onto the green roofs. These range of measures will help enhance biodiversity on-site. A condition has been imposed for the detailed landscape plan to be fully implemented within six months of student rooms first being occupied. To ensure implementation of these details. An informative has also been applied encouraging use of swift bricks.

Twelve existing trees fronting Sibbald Walk are in proximity to the site. The landscape plan states these specimens will be protected as per British Standards during construction, or, replaced if required.

The trees are small scaled therefore, appropriate replacement specimens are acceptable in principle. However full details of this will be required by condition as part of an Arboricultural Method Statement.

The development will therefore support and encourage local biodiversity. Subject to condition, impacts on existing trees are acceptable in accordance with NPF4 Policy 3,

LDP policy Env 12.

### Amenity

LDP policy Des 2 - states permission will not be granted for development which will compromise the effective development of adjacent land.

LDP policy Des 5 - sets out criteria for ensuring occupants have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

For daylight to new windows, the EDG states this can be measured by the 'no skyline method' where light should penetrate halfway into rooms. For existing windows, the Vertical Sky Component (VSC) can be used where the amount of daylight reaching an external wall should be 27 % VSC or 0.8 of its former value.

For sunlight to gardens, this can be measured with plans showing shadows before and after at the Spring Equinox. Generally, half the garden should be capable of more than two hours sunlight during this time.

For privacy, the pattern of development will help define appropriate distances between buildings with higher expectations for separation in suburban areas than the historic Old Town.

LDP policy Hou 3 (Private Greenspace in Housing Development) requires provision of greenspace for future residents. Part a) refers to 10 square metres per flat being provided and 20% of a total site area being useable greenspace.

The EDG refers to the inclusion of balconies may be seen as a mitigating measure where the spatial pattern of an area is a factor. Supporting LDP paragraphs states there maybe exceptions to this if there are good reasons why this cannot happen including density. Furthermore, that this policy does not apply to housing built for occupation by students.

LDP policy Hou 4 (Housing density) states the council will seek an appropriate density of development on each site.

### *Future Occupiers*

#### *Privacy*

In regard to privacy, the guidance states that the pattern of development in an area will help define appropriate distances between buildings and privacy distances. There may be higher expectations for separation in suburban areas than in historic areas such as the Old Town.

It is unreasonable to expect development to achieve separation distances similar to that found in suburban areas on this tightly constrained site. At their closest point, windows to the south achieve distances of over 5m to the adjacent building with larger distances retained on all other sides. The design seeks to minimise direct views between windows and a closer relationship between windows may generally be expected in historic areas such as the Old Town. Given the context of the site, the level of privacy afforded to future occupiers is acceptable.

### *Outlook*

Levels of outlook are generally appropriate. Most student rooms are served by large, glazed openings with the tighter distances between buildings in keeping with the areas' spatial pattern. Secondary sources of outlook are provided through communal amenity space.

Similarly, townhouses will have large, glazed openings fronting Shoemakers Close with additional outlook, albeit upwards, provided by high level openings.

### *Internal Layout*

All townhouses will be over 110 m<sup>2</sup>, exceeding EDG minimum space standards for three-bedroom dwellings by more than 20 m<sup>2</sup>.

Student rooms are generally of an appropriate size which in tandem with the amount of communal amenity space will provide appropriate habitable space.

### *Daylight*

The submitted daylight analysis details the three townhouses will accord with the no skyline method of the EDG.

In regard to student rooms, 80 % of all habitable rooms (225 of 280) will accord with these standards.

Light to rooms below the required level are generally poorer in lower floors of the building with rooms facing onto taller buildings to the south and west.

The development includes communal amenity and study space at ground floor which provides a good level of alternative habitable living space with outlook onto the contained garden space. Overall, a reasonable living environment will still be achieved for future occupiers. This level of compliance with the EDG is acceptable in this higher density context of the Old Town.

### *Sunlight*

No greenspace has been provided for the three townhouses. The applicants' justification for this includes that gardens are not characteristic of the Old Town and are difficult to accommodate in new developments. There is range in the quantity of greenspace provision on residential developments nearby. For example, historic flatted tenement properties on the Canongate do not have greenspace however more modern developments to the sites' north and east do.

As outlined above, the townhouses achieve a reasonable standard of amenity in all other aspects. They are of a good size internally with adequate levels of light and outlook. Furthermore, inclusion of private balconies will still provide external amenity space for occupiers. Local and large areas of greenspace (Dunbar Close, Holyrood Park) as defined by the LDP are in walking distance from the site. Overall, an appropriate living environment will still be achieved for future occupiers.

Moreover, the townhouses form a small part of the whole development which achieve a density appropriate to its Old Town location. An infringement of this greenspace policy is appropriate in this specific context. In addition, as the area is not identified as deficient in terms of access to local or large areas of greenspace in the LDP no greenspace contribution has been sought.

As per the above, the greenspace policy does not apply to student housing. The garden space for students does not achieve levels of sunlight sought in the EDG. However, the development is compatible with the townscape character and is well served by greenspace nearby. An infringement of the EDG is therefore acceptable in this instance.

### *Overall*

The level of compliance with the Edinburgh Design Guidance is acceptable based on the surrounding tight urban context. The overall design of the development achieves a reasonable living environment for future occupiers in accordance with LDP policy Des 5.

### Neighbours

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

The EDG sets out guidance for assessing impact on neighbours' amenity as detailed above.

### *Privacy*

The closest relationship between windows of over 5m will be on the west section of the buildings south side. This retained distance will be similar to aspects of planning permission reference 22/01647/FUL granted at 179 Canongate nearby, accepted based on the tight historic urban context. At this closest point, windows are positioned to minimise direct, overlooking whilst greater separation is achieved on the east section of this side more than 8m. Openings on this side of the neighbours' development are positioned near its site boundary with a large source of their view reliant on facing over adjacent land. In this context, it is reasonable that their position and proximity to the site should not compromise the effective re-development of this adjacent land. Similarly, this relationship is appropriate in this tight, urban context.

To the east, views onto windows of residential development at Tolbooth Wynd will be minimised by their differing orientation and retained space of at least 10 m.

Furthermore, given the communal amenity spaces to this side is presently overlooked by flatted windows it has limited privacy as existing. The distance that will be retained to this side, and orientation of the lower part of the development (townhouses) fronting this space will limit any further impacts.

The distance and orientation of all other windows avoids direct overlooking of neighbours' resident windows.

## *Outlook*

The immediate outlook for residential properties facing the site will clearly change. However, this is brownfield land which forms part of a wider area identified for significant redevelopment in the LDP. In this context, there is a reasonable expectation that there will be some impacts. The development achieves an appropriate response to the townscape whilst separation distances between buildings are appropriate in this tight, urban context.

The degree of impact on outlook is therefore acceptable in this context.

## *Daylight*

The submitted daylight report assesses impact from the development compared with the extant planning permission reference 07/04400/FUL and subsequent variations on site. It outlines that all windows achieve a VSC of greater than 0.8 of its former value with many having improved levels of daylight from this permission.

Information was sought in regard to the existing levels of light with the site presently vacant, but this has not been received. The applicants has stated that as a cleared site neighbouring properties presently benefit from artificially elevated levels of daylight, with light received across the boundaries without obstruction. This being not typical of an urban location such as this. Direct comparison between the two schemes presents a more realistic view of light impacts. This approach is considered reasonable given the site is also identified for re-development in the LDP.

The level of impact on daylight is acceptable in this context and it complies with the EDG.

## *Sunlight*

The sun path analysis at the Spring Equinox shows the development will slightly increase shade cast on the northern courtyard of Old Tolbooth Wynd to the sites' east.

This space has poorer levels of sunlight as existing. However, the degree of impact from this proposal compared with the extant permission is proportionally minor; an average of just over 3 m<sup>2</sup> additional shade being cast.

The impact will therefore not be adverse, as levels of sunlight will be similar to the extant permission at this time of the year.

## *Noise*

Policy Des 5 (Amenity) states planning permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected and future occupiers have acceptable levels of amenity in relation to noise.

The submitted noise impact assessment (NIA) assesses various noise sources including from traffic, rail and plant machinery. The NIA details that road and rail traffic can meet target noise levels within rooms. In regard to plant, it is stated that windows on the west side of the development will be impacted on by rooftop machinery on the nearby office building, Queen Elizabeth House, approximately 15m from the site.

To achieve acceptable noise levels internally with windows closed, acoustic double-glazing specifications are proposed.

Environmental Protection (EP) do not support such mitigation measures stating residents should be able to purge ventilate their rooms without being affected by noise. The applicant has stated that the site is further from this noise source than the existing Queensberry Apartments, where no noise complaints have been received. This has been confirmed by EP.

In these circumstances, it is considered that with appropriate glazing specification and ventilation, an adequate living environment can still be achieved for students. In turn, limiting the likelihood of future noise complaints received. This mitigation would allow windows to be closed should it be required and rooms to be adequately ventilated by this alternate means. A condition has therefore been included for full detail of this in the interests of future occupiers' amenity.

EP also recommend conditions for details of soundproofing in rooms to ensure noise and vibration from the ancillary student gym is appropriately managed. In addition, that specifications in regard to plant, lift and the commercial unit are implemented in accordance with the NIA. A condition has been included to this effect in the interest of future occupiers' amenity.

EP also raise concern regarding potential for noise from the students' rear garden space facing the new residential properties. The design of the student accommodation as a managed scheme gives opportunity for student activity to be monitored on-site by staff which will help limit potential for any disturbance. Openings to the rear of the residential units is limited further restricting opportunities for noise transfer. Moreover, in this city centre location a level of ambient noise and close relationship between a range of uses might reasonably be expected.

### *Ventilation*

The NIA also recommends certain ventilation specifications to ensure safe dispersal of odours from any potential cooking operations on-site. Details for the implementation of such measures have been imposed by condition to safeguard neighbours' amenity.

### *Overall*

Subject to conditions, an appropriate living environment will be achieved for future occupiers and no adverse impacts on neighbours' amenity will occur. Infringements of the EDG with regard to greenspace provision are acceptable in this context.

### Transport

#### *Cycle Parking*

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

LDP policy Tra 4 states that cycle parking should be provided closer to building entrances than general car parking spaces.



Edinburgh Design Guidance states student flats should have a minimum cycle provision of 1 space per 1 bed.

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

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

### *Student Accommodation*

One space for each of the 267 students is provided which meets EDG standards. This provision includes a range of cycle types as per the following with the proportion of overall spaces by cycle type detailed in brackets. 95 (36 %) upper tier above standard Sheffield racks, 80 (30%) Sheffield racks, 54 (20%) non-standard Sheffield spaces and 38 (14%) two tier arrangement.

As detailed in the submitted cycle provision break down, 31 of the 80 standard Sheffield racks will be provided beneath an upper tier arrangement. This arrangement is not specifically included within the factsheet. Therefore, there is some ambiguity as to whether all of this provision should count towards the overall two tier provision.

This notwithstanding, the overall quantity and range of cycle spaces detailed above is adequate for the scale of student accommodation proposed. An appropriate provision of non-standard spaces are provided. The cycle parking will be accessed from the building entrance from Sibbald Walk and internal courtyard space via a lift and stairs. It therefore provides convenient access to all users. It is acceptable overall.

### *Residential Accommodation*

A total of 10 cycle spaces (8 standard and 2 non-standard) will be provided for the affordable housing units via an enclosed cycle store accessed from Shoemakers Close. This provision meets EDG standards and the cycle parking factsheet.

### *Overall*

The proposal complies with LDP policy Tra 3, Tra 4 and the non-statutory guidance.

### *Car Parking*

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

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

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

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

The EDG sets out the car parking standards for student accommodation, housing, retail and food / drink use.

No car parking is proposed which is acceptable in this city centre location where the site has good levels of access to public transport, education, and local amenities. A transport statement has been submitted where it is anticipated that trips will mainly be by walking.

Transport Planning has been consulted on the proposals and raise no objections subject to conditions or informatives in regard to the design of doors, a travel plan and parking permits. These details have been included as an informative. No objections have been raised on grounds of road or pedestrian safety.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location which complies with LDP policy Tra 2, NPF 4 policy 13 and 14.

### *Archaeology*

NPF 4 policy 7 o) states non-designated historic environment assets, places and their setting should be protected and preserved in situ where feasible.

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

In light of this, the proposal does not conflict with NPF 4 policy 7 o).

### *Flooding*

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

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

As identified in the SEPA online flood maps, the site has no specific coastal, river or surface water flood risk.

The submitted surface water management plan and flood risk assessment have been reviewed by Flood Planning and no objections have been received. Confirmation that Scottish Water accept the surface water discharge into the combined sewer is sought and an informative has been included in respect to this.

The proposal has been designed to mitigate against flood risk to account for the 1 in 200-year storm event plus a 40 % allowance for climate change. It incorporated measures to attenuate surface water discharge through a sustainable urban drainage system with use of green roofs and a ran garden.

Overall, the proposal complies with NPF 4 policy 22 and LDP policy Env 21.

## Waste

The waste strategy for the three residential units has been agreed with CEC Waste and Cleansing Services. An informative has been included to highlight the requirement for a 12 week notice period for new bin orders to the applicant.

The student accommodation and commercial unit will be collected via private collection therefore the applicant will be required to arrange this separately.

## Contaminated Land

NPF4 policy 9 c) (Brownfield, vacant and derelict land) states where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

Environmental Protection has recommended a condition for submission of a site survey to ensure the site is safe and stable for its end use. In response, the applicant has queried the need for this condition given the previously submitted ground investigation report from March 2020 was deemed sufficient to purify condition 5 of planning permission 19/03696/FUL on-site. Given the time elapsed since then, the condition has still been applied to ensure any updated information, if required is provided. To ensure the site is safe and stable for the proposed uses in accordance with NPF 4 policy 7 c).

## **Conclusion in relation to the Development Plan**

Overall, the proposal complies with the Local Development Plan.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings.

The uses are compatible with the mixed character of this city centre area. The student use will not have an adverse impact on maintenance of a balanced community.

It is of an appropriate design and will not harm the qualities that justify the inscription of a World Heritage Site or its setting.

It is a sustainable development, promoting use of sustainable transport through appropriately designed cycle storage and a proximity to public transport. A car-parking free development is appropriate this location. Sustainable features are incorporated.

The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents.

No specific issues of flooding, archaeology, ecology, or road safety are raised.

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

The following material planning considerations have been identified:

## Emerging policy context

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

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

Protected characteristics can include for example age, disability, pregnancy and maternity.

With regard to the above, the proposal helps to advance equality of opportunity as it will help to increase provision of accessible student and residential accommodation. The developments being accessible via a lift from ground floor and level access to the student courtyard here. The sloped nature of the site limits the ease of movement for all users. However, accessibility has been considered with the applicant confirming footpaths will meet minimum width requirements and an accessible drop off location has been shown. Through the above considerations, due regard has been had to the public sector equality duty under the above section of the Equalities Act.

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

## Public representations

A summary of the representations is provided below:

### *material considerations*

#### *Design*

- Height of building too high - Addressed through sections b) Conservation Area and c) Design.
- Out of keeping with local architecture - Addressed in sections b) Conservation Area and c) Design.
- Inappropriate form and detailing of roofscape - Addressed in section c) – Design.

#### *Amenity*

- Incomplete daylight information - Revised information has been submitted to address this matter.
- Poor privacy levels for neighbours - Addressed in section c) Amenity

#### *Use*

- Over supply of students impacting on affordable home provision and permanency of residential accommodation. - Addressed through section c) Use.

## **Conclusion in relation to identified material considerations.**

The material considerations support the presumption to grant planning permission.

### **Overall conclusion**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, it is in accordance with the development plan and NPF4.

It will preserve the character and appearance of the Old Town Conservation Area and will not be detrimental to the architectural character, setting or historical interest of listed buildings.

It is a sustainable development, promoting use of sustainable transport through appropriately designed cycle storage and a proximity to public transport. A car-parking free development is appropriate this location. Sustainable features are incorporated.

The uses are compatible with the mixed character of this city centre area. The student use will not have an adverse impact on maintenance of a balanced community.

It is of an appropriate design and will not harm the qualities that justify the inscription of a World Heritage Site or its setting.

The implementation of mitigation measures will safeguard the living environment of future occupiers and in turn prevent limitations on the activities or potential re-development of neighbouring sites. Overall, there will be no unreasonable impact on the amenity of neighbouring residents.

No specific issues of flooding, archaeology, ecology, or road safety are raised.

Other material considerations support the presumption to grant planning permission.

## **Section C - Conditions/Reasons/Informatives**

The recommendation is subject to the following;

### **Conditions**

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

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Local Planning Authority.

4. The noise mitigation measures maximum plant specifications, lift and ventilation riser construction specifications associated with the student and residential accommodation detailed in the submitted Noise Impact Assessment, project no. 6447 - 'New Waverley Purpose-Built Student Accommodation, Edinburgh dated 14/11/2023 shall be fully implemented prior to first occupation of these uses.
5. The wall, floor and ceiling specifications associated with any commercial unit (Class 1A or 3) as detailed in the ITP Energised Noise Impact Assessment Report Project No. 6447 - "New Waverley Purpose-Built Student Accommodation, Edinburgh Noise Impact Assessment" and dated 14/11/23 should be implemented in full prior to occupation of any commercial use.
6. Wall, floor and ceiling specification details in relation to the proposed gym shall be submitted to and approved in writing by the Council as Planning Authority prior to first occupation of the student rooms.

These details shall be designed to ensure noise and vibration from the gym are inaudible (Noise Rating 15) with no perceptible vibration within the nearest student room.

7. Details approved under condition 6, shall thereafter be fully implemented prior to the first occupation of the student accommodation.
8. Details of glazing and ventilation specifications for the student and residential accommodation shall be submitted to and approved in writing by the Council as Planning Authority prior to first occupation of these uses.

These specifications shall be designed to ensure that noise from surrounding external plant meets NR25 within the nearest residence.

9. Details approved under condition 8, shall thereafter be fully implemented prior to first occupation of the student and residential accommodation.
10. Prior to the commencement of works on site an Arboricultural Method Statement shall be submitted to and approved in writing by the planning authority. The Arboricultural Method Statement will then be adhered to throughout the duration of the construction period.

11. The approved landscape plan (plan reference 20) shall be fully implemented within six months of the student rooms first being occupied.

### **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To ensure the land is safe and stable for the new use.
4. To achieve an appropriate level of amenity for future students and residents.
5. To safeguard the amenity of future students and residents.
6. To safeguard the amenity of future students.
7. To ensure implementation of these details to safeguard student's amenity.
8. To safeguard the amenity of future occupiers.
9. To ensure implementation of details to safeguard the amenity of future occupiers.
10. In order to protect trees.
11. To ensure implementation of appropriate landscaping on-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. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. Transport informatives:
  - a) The applicant will be required to amend the proposed doors so that they do not open outwards on to the footway.

b) 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) and timetables for local public transport.

c) As the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013.

See

[https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77__controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf).

(Category F - All student housing).

4. The applicant will be required to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted.
5. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
6. The design of the gyms' ceiling and walls should achieve NR 15 to ensure noise and vibration from the gym to the nearest residence will not be adverse.
7. The applicant should consider incorporating the use of swift bricks into the development.
8. Works outwith the site to the footways and roads may require separate consent by the Council as roads authority.
9. Prior to the commencement of construction works on site the applicant should submit to the planning authority confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network.

### **Background Reading/External References**

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

### **Further Information - Local Development Plan**

**Date Registered: 8 August 2023**

### **Drawing Numbers/Scheme**

01, 02, 03A - 06A, 07, 08, 09A, 10A, 12A - 17A , 18-20

Scheme 2



**David Givan**  
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**PLACE**  
**The City of Edinburgh Council**

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## Appendix 1

### Summary of Consultation Responses

NAME: Transport planning

COMMENT: No objections subject to condition or informatives as appropriate.

DATE: 15 January 2024

NAME: Waste Planning

COMMENT: A waste strategy has been agreed.

DATE: 12 October 2023

NAME: Flood Planning

COMMENT: No objections. The applicant should confirm Scottish Waters' acceptance of the surface water discharge rate into the combined sewer.

DATE: 15 November 2023

NAME: SEPA

COMMENT: Application does not meet the requirements for site specific advice.

DATE: 7 September 2023

NAME: Scottish Water

COMMENT: No objections however applicant will require to submit a pre-development enquiry prior to any technical application.

DATE: 22 August 2023

NAME: Environmental Protection

COMMENT: EP does not support the application due to concerns relating to existing plant noise affecting the proposal. Conditions recommended should the application be granted.

DATE: 27 November 2023

NAME: Edinburgh World Heritage

COMMENT: Concerns expressed regarding impact of design and use proposed.

DATE: 20 December 2023

NAME: Archaeology

COMMENT: No objections.

DATE: 30 October 2023

NAME: Historic Environment Scotland

COMMENT: No comments on the effects on Holyrood Park.

DATE: 23 August 2023

NAME: Affordable Housing

COMMENT: No planning means to secure affordable housing provision. Doubts regarding viability of affordable housing provision.

DATE: 15 January 2024

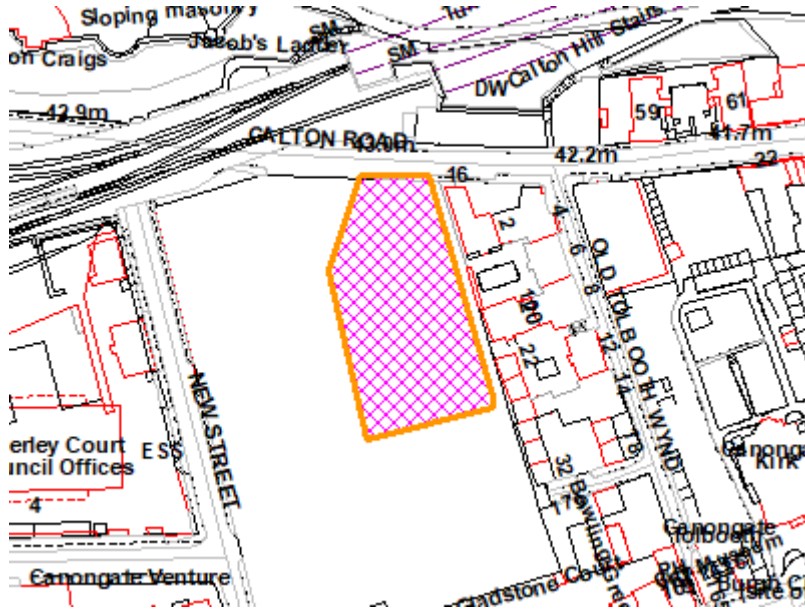
NAME: HES

COMMENT: No comments on effects on the setting of a World Heritage Site.

DATE: 17 October 2023

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

## Location Plan



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