

# Notice of meeting and agenda

## Development Management Sub-Committee

**10.00 am Wednesday, 13th March, 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 live webcast 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 11 March 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 11 - 22  
Minutes of Previous Meeting of Development Management Sub-Committee 7 February 2024 – submitted for approval as a correct record

## **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** Report for forthcoming application by Artisan Real Estate for Proposal of Application Notice at Caledonian Brewery, 40 Slateford Road, Slateford - partial demolition and residential redevelopment (including affordable housing) with landscaping, access, associated infrastructure and associated ancillary works - application no. 23/07312/PAN - report by the Chief Planning Officer 23 - 30

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

- 4.2** Report for forthcoming application by Summix MQE Developments Ltd. for Proposal of Application Notice at SAICA Pack, 1 Turnhouse Road, Cammo - Mixed-use development potentially comprising residential, senior living, hotel, office, retail and other commercial uses and creation of new public realm with associated landscaping, infrastructure and access arrangements - application no. 24/00438/PAN - report by the Chief Planning Officer 31 - 38

It is recommended that the Committee notes the key issues at

this stage and advises of any other issues.

- 4.3** Report for forthcoming application by FMG Western Harbour Ltd. for Proposal of Application Notice at Plots A1, A2, B1, B2 & C Western Harbour, Western Harbour Drive, Edinburgh. Residential development & associated works in keeping with the established Western Harbour Masterplan - application no. 24/00581/PAN - report by the Chief Planning Officer 39 - 44
- It is recommended that the Committee notes the key issues at this stage and advises of any other issues.
- 4.4** 62 Belmont Road, Juniper Green, EH14 5ED - The proposal is for a change of use of annex to allow short term let use - application no. 22/04501/FUL - report by the Chief Planning Officer 45 - 52
- It is recommended that this application be **GRANTED**.
- 4.5** 79 Dundas Street, Edinburgh, EH3 6SD - Proposal for use of part of residential dwelling for the purposes of short-term letting - application no. 22/04195/FUL - report by the Chief Planning Officer 53 - 62
- It is recommended that this application be **GRANTED**.
- 4.6** 15 & 15A Eden Lane, Edinburgh, EH10 4SD - Proposal for use of the annexe section of the existing residential dwelling for short term let rental (in retrospect) - application no. 22/04057/FUL - report by the Chief Planning Officer 63 - 70
- It is recommended that this application be **GRANTED**.
- 4.7** Confirmation of Tree Preservation Order No. 209 (Greenhill Court) - report by the Chief Planning Officer 71 - 86
- It is recommended that the Tree Preservation Order is

**CONFIRMED.**

- 4.8** 7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh - Proposal for alterations and new development including partial demolition and rear /rooftop extensions to form new hotel (Class 7) with ancillary uses and lower and ground floor commercial uses (Class 1A and Class 3), public and private amenity space, ancillary areas and external pend access with associated works - application no. 23/06554/FUL - report by the Chief Planning Officer 87 - 126
- It is recommended that this application be **GRANTED**.
- 4.9** 7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh - Proposal for selective demolition and alterations to form hotel and ancillary uses with refurbished commercial units and associated works - application no.23/06565/LBC - report by the Chief Planning Officer 127 - 152
- It is recommended that this application be **GRANTED**.
- 4.10** Middle Kinleith Farm, Harlaw Road, Currie - Proposal for demolition of existing shed and barn and construction of two new dwelling houses with associated roads, drainage and infrastructure - application no. 24/00127/FUL - report by the Chief Planning Officer 153 - 170
- It is recommended that this application be **REFUSED**.
- 4.11** 2F 162 Rose Street, Edinburgh, EH2 3JD - Proposal for retrospective change of use from office to short-term let (Sui Generis) - application no. 23/04654/FULSTL - report by the Chief Planning Officer 171 - 178
- 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 Humbie Cottage, Humbie Farm Road, Humbie Quarry (at Land 178 Metres East of) - Proposal for erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with agricultural business at Merryhall Farm (as amended) - application no. 21/05218/FUL - report by the Chief Planning Officer 179 - 180

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

- 5.2 1 Lanark Road, Kingsknowe, Edinburgh - Proposal to modify clause 3 of the planning obligation relating to site at 1 Lanark Road and planning permission 18/08232/FUL - application no. 22/02424/OBL - report by the Chief Planning Officer 181 - 192

It is recommended that this application be **ACCEPTED AND THE AGREEMENT BE MODIFIED**.

- 5.3 124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh - The proposals comprise a 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended) - application no. 22/03430/FUL - report by the Chief Planning Officer 193 - 194

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.

- 7.1 525 Ferry Road, Edinburgh, EH5 2DW - Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking (as amended) - application no. 23/03649/FUL - report by the Chief Planning Officer 195 - 226  
It is recommended that this application be **GRANTED**.
- 7.2 73 - 75 George Street, Edinburgh, EH2 3EE - Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions - application no. 23/03109/FULSTL - report by the Chief Planning Officer 227 - 242  
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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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 meeting will be held in the City Chambers, High Street, Edinburgh and by Teams and will be webcast live for viewing by members of the public.

## **Further information**

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If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 553 8242 / 0131 529 4085, email [jamie.macrae@edinburgh.gov.uk](mailto:jamie.macrae@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 <https://democracy.edinburgh.gov.uk/>.



## **Webcasting of Council meetings**

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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 7 February 2024

### Present:

Councillors Osler (Convener), Beal, Booth, Burgess (substituting for Councillor Staniforth), Cameron, Dalgleish, Gardiner (items 4.5 - 7.4), Jones, Mattos-Coelho, McNeese-Mechan, and Mowat.

### 1. Minutes

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#### Decision

To approve the minute of the Development Management Sub-Committee of 10 January 2024 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 Hearing

Ward Councillor Mitchell requested a hearing on Item 7.1 – 525 Ferry Road, Edinburgh, EH5 2DW – application no. – 23/03649/FUL.

#### Decision

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

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

### 3. Liberton Public Park, Liberton Gardens, Edinburgh

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Details were provided of proposals for a proposed new opening in the existing boundary stone wall to the north of the site, to form the approved ramped active travel route into Liberton Park - application no. 23/02885/LBC.

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

#### Motion

To grant listed building consent.

- moved by Councillor Osler, seconded by Councillor Booth

#### Amendment

Development Management Sub-Committee of the Planning Committee 7 February 2024

To continue the application to allow officers to provide further details of the assessment in relation to public safety.

- moved by Councillor Cameron, seconded by Councillor Jones

### **Voting**

For the motion - 8 votes

For the amendment - 2 votes

(For the motion: Councillors Beal, Booth, Burgess, Dalgleish, Mattos Coelho, Osler and Mowat.  
For the amendment: Councillors Cameron and Jones.)

### **Decision**

To **GRANT** listed building consent.

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

## **4. 525 Ferry Road, Edinburgh**

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Details were provided of proposals for the proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking at 522 Ferry Road, Edinburgh - application no. 23/03649/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 and against whether to continue the application for a hearing.

### **Voting**

For Continuation - 5

Against Continuation - 6

(For Continuation: Councillors Beal, Cameron, Jones, Osler and Mowat.)

(Against Continuation: Councillors Booth, Burgess, Dalgleish, Gardiner, Mattos-Coelho and McNeese-Mechan.)

### **Decision 1**

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

### **Motion**

To **GRANT** planning permission subject to:

- 1) the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.
- 2) the amendment of Condition 5 to read:

“Notwithstanding the approved drawings, a fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame. The approved landscaping

Development Management Sub-Committee of the Planning Committee 7 February 2024

scheme shall be fully implemented within six months of the completion of the development”.

- 3) the amendment of Informative 1 to read: “It should be noted that: Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms. 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.

This matter relates to:

Education – Secondary School Infrastructure – £977,886

Primary School Infrastructure - £2,000,746 – based on £10,054 per flatted unit

Two club car - £12,500 (£1,500 per order plus £5,500 per car)

Affordable housing - 25% (65 affordable homes)

- moved by Councillor Gardiner, seconded by Councillor Mattos-Coelho

### **Amendment 1**

To REFUSE planning permission as the proposals were contrary to Local Development Plan Policies Des 4a and 5a, Env 12 and NPF4 Policy 14.

- moved by Councillor Osler, seconded by Councillor Booth

### **Amendment 2**

To **GRANT** planning permission subject to:

- 1) the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.
- 2) the amendment of Condition 5 to read:

“Notwithstanding the approved drawings, a fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame. The approved landscaping scheme shall be fully implemented within six months of the completion of the development”.

- moved by Councillor Mowat, seconded by Councillor Cameron

### **Voting**

For the Motion - 4

For Amendment 1 - 3

For Amendment 2 - 4

(For the Motion: Councillors Burgess, Gardiner, Mattos-Coelho and McNeese-Mechan.

For Amendment 1: Councillors Beal, Booth and Osler.

For Amendment 2: Councillors Cameron, Dalglish, Jones and Mowat.)

Development Management Sub-Committee of the Planning Committee 7 February 2024

There being no overall majority, Amendment 1 fell, and a second vote was taken between the Motion and Amendment 2.

For the Motion - 4

For Amendment 2 - 4

(For the Motion: Councillors Burgess, Gardiner, Mattos-Coelho and McNeese-Mechan.

For Amendment 2: Councillors Cameron, Dalgleish, Jones and Mowat.

Abstentions: Councillors Beal, Booth and Osler.)

In the division, 4 members having voted for the Motion and 4 members for Amendment 2, and as the Convener did not wish to exercise her right to a casting vote, the decision was taken by lot and the Motion was carried.

## **Decision 2**

To **GRANT** planning permission subject to:

- 1) the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.
- 2) the amendment of Condition 5 to read:

“Notwithstanding the approved drawings, a fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame. The approved landscaping scheme shall be fully implemented within six months of the completion of the development”.
- 3) the amendment of Informative 1 to read: “It should be noted that: Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms. 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.

This matter relates to:

Education – Secondary School Infrastructure – £977,886

Primary School Infrastructure - £2,000,746 – based on £10,054 per flatted unit

Two club car - £12,500 (£1,500 per order plus £5,500 per car)

Affordable housing - 25% (65 affordable homes)

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

## **5. 2 - 14 Shandwick Place, 1 - 8 Queensferry Street & 1 - 3 Queensferry Street Lane, Edinburgh**

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Details were provided of proposals for planning permission for a proposed part change of use, alterations, and erection of hotel/aparthotel (Class 7) at 2 - 14 Shandwick Place, 1 - 8 Queensferry Street & 1 - 3 Queensferry Street Lane, Edinburgh- application no. 23/01940/FUL. Development Management Sub-Committee of the Planning Committee 7 February 2024

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

### **Motion**

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

- moved by Councillor Osler, seconded by Councillor Mowat

### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, NPF4 Policy 7(c), (d) and (f) and Policy 30(b)(iii) and relevant guidance.

- moved by Councillor Booth, seconded by Councillor Mattos-Coelho

### **Voting**

For the Motion - 7

For the Amendment - 4

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

For the Amendment: Councillors Beal, Booth, Gardiner and Mattos-Coelho.)

### **Decision**

To **GRANT** planning permission subject to the conditions and 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.)

## **6. 2 - 14 Shandwick Place, 1 - 8 Queensferry Street & 1 - 3 Queensferry Street Lane, Edinburgh**

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Details were provided of proposals for listing building consent for a proposed alterations to create hotel /aparthotel at 2 - 14 Shandwick Place, 1 - 8 Queensferry Street & 1 - 3 Queensferry Street Lane, Edinburgh - application no. – 23/01947/LBC.

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

### **Motion**

To **GRANT** listed building consent subject to:

- 1) the conditions and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) Referral of the proposals to Scottish Ministers.

- moved by Councillor Osler, seconded by Councillor Dalgleish

### **Amendment**

To **REFUSE** planning permission as the proposals were contrary to section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- moved by Councillor Jones, seconded by Councillor Booth

## **Voting**

For the Motion - 6

For the Amendment - 5

(For the Motion: Councillors Burgess, Cameron, Dalgleish, McNeese-Mechan, Mowat, and Osler.

For the Amendment: Councillors Beal, Booth, Gardiner, Jones and Mattos-Coelho.)

## **Decision**

To **GRANT** listed building consent subject to:

- 1) the conditions and informatives as set out in section C of the report by the Chief Planning Officer.
- 2) Referral of the proposals to Scottish Ministers.

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



## Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p><b>4.1 – <a href="#">1 Craighall Avenue, Trinity Academy, Edinburgh</a></b></p>	<p>Extension to Victorian building to provide new school accommodation; internal and external works, partial demolition of post-war blocks, associated landscaping and temporary decant facilities to support works - application no. 23/06118/FUL</p>	<p>To <b>GRANT</b> planning permission subject to:</p> <ol style="list-style-type: none"> <li>1) the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.</li> <li>2) the amendment of condition 7 to read: “The approved drainage arrangement and SUDs provision shall be implemented in accordance with the phasing proposals agreed under condition 2.”</li> <li>3) the amendment of condition 9 to read: “Prior to the first occupation of the new extension hereby approved and notwithstanding that delineated/specified on application drawings/documents, a minimum of 138 secure pupil cycle parking spaces shall be provided on site in accordance with details to be submitted for the prior inspection and approval of the planning authority. The amended cycle parking details will include the phasing of the provision to serve the proposals”.</li> </ol>
<p><b>4.2 – <a href="#">1 Craighall Avenue, Trinity Academy, Trinity, Edinburgh</a></b></p>	<p>Demolition of unlisted buildings and structures inc. music department and science block to create new school campus - application no. 23/06119/CON.</p>	<p>To <b>GRANT</b> conservation area consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><b>4.3 – <a href="#">1 Craighall Avenue, Trinity Academy, Trinity, Edinburgh</a></b></p>	<p>Partial demolition, extension, and internal and external works to retained Victorian school building to create new campus - application no. – 23/06120/LBC</p>	<p>To <b>GRANT</b> listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>4.4 – <a href="#">Liberton Gardens, Liberton Public Park, Edinburgh</a></b></p>	<p>Proposal: 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>To <b>GRANT</b> listed building consent.</p>
<p><b>4.5 - <a href="#">3 Redford Place, Colinton Primary School, Edinburgh</a></b></p>	<p>Proposal: Modular off site constructed single storey building will be craned into position on site in three parts. This will house a kitchen facility to support requirements of existing primary school. Building will house, commercial kitchen, toilet, stores, and office area – application no. 23/02772/FUL.</p>	<p>To <b>GRANT</b> planning permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>5.1 - <a href="#">117 - 145 Pitt Street &amp; 9 Trafalgar Lane, Edinburgh, EH6 4DE</a></b></p>	<p>Proposal: Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use - application no. 21/05861/FUL.</p>	<p>To <b>AGREE</b> to alter the terms of the Section 75 by one unit and extend the legal agreement for further three months.</p>

**7.1 - 525 Ferry Road, Edinburgh, EH5 2DW**

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking (as amended). - application no. 23/03649/FUL

**Decision 1**

To agree not to hold a hearing and to determine the application at this meeting of the Development Management Sub-Committee.

(On a division)

**Decision 2**

To **GRANT** planning permission subject to:

1) the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.

2) the amendment of Condition 5 to read:

“Notwithstanding the approved drawings, a fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame. The approved landscaping scheme shall be fully implemented within six months of the completion of the development”.

3) the amendment of Informative 1 to read: “It should be noted that: Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
		<p>identified in the proposed Heads of Terms. 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.</p> <p>This matter relates to:</p> <p>Education – Secondary School Infrastructure – £977,886</p> <p>Primary School Infrastructure - £2,000,746 – based on £10,054 per flatted unit</p> <p>Two club car - £12,500 (£1,500 per order plus £5,500 per car)</p> <p>Affordable housing - 25% (65 affordable homes)</p>
<p><b>7.2 - <a href="#">2 - 14 Shandwick Place, 1 - 8 Queensferry Street &amp; 1 - 3 Queensferry Street Lane, Edinburgh</a></b></p>	<p>Proposal: Part change of use, alterations, and erection of hotel /aparthotel (Class 7) (as amended) - application no. – 23/01940/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p><b>7.3 - <a href="#">2 - 14 Shandwick Place, 1 - 8 Queensferry Street &amp; 1 - 3 Queensferry Street Lane, Edinburgh</a></b></p>	<p>Proposal: Alterations to create hotel /aparthotel (as amended) – application no. – 23/01947/LBC</p>	<p>To <b>GRANT</b> listed building consent subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer, and referral of the proposals to Scottish Ministers</p>
<p><b>7.4 - <a href="#">3 Queensferry Street Lane, 4 - 8 Queensferry Street &amp; 10 - 14 Shandwick Place, Edinburgh</a></b></p>	<p>Proposal: Substantial demolition in a conservation area – application no. – 23/01948/CON</p>	<p>To <b>GRANT</b> conservation area consent subject to the conditions and informatives as set out in section C of the report by the Chief Planning Officer.</p>



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## Development Management Sub Committee

**Wednesday 13 March 2024**

**Report for forthcoming application by**

**Artisan Real Estate. for Proposal of Application Notice**

**23/07312/PAN**

**at Caledonian Brewery, 40 Slateford Road, Slateford.  
Partial demolition and residential redevelopment  
(including affordable housing) with landscaping, access,  
associated infrastructure and associated ancillary works.**

**Item number**

**Report number**

**Wards**

B07 - Sighthill/Gorgie

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'proposed partial demolition and residential redevelopment (including affordable housing) with landscaping, access, associated infrastructure and associated ancillary works of the former Caledonian Brewery site' at 40 Slateford Road, Slateford, Edinburgh, EH11 1PH.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 23/07312/PAN) on 14 December 2023.

### **Links**

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## Recommendations

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

## Background

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### 2.1 Site description

The site measures approximately 0.95 hectares, is triangular in shape, and is located immediately to the north of Slateford Road. In addition to the mutual boundary with Slateford Road the site is bounded to the northeast by Merchiston Cemetery and to the west by the Edinburgh to Carstairs Junction Railway line. The site sits at a lower level than Slateford Road and is accessed via a ramp from its eastern interface with Slateford Road. A supplementary gated and stepped access exists from Slateford Road. The surrounding area is urban in character includes a mixture of residential properties in the form of colonies and tenements east, west and south of the site, and there are commercial uses opposite on Slateford Road.

The site's topography is relatively flat once accessed via the vehicular ramp. The site is currently vacant with its last use being for brewing. Existing buildings including a tall chimney and equipment of an industrial nature remain on the site, and the brewery is Category B Listed (Listing reference: LB26833). There is scant vegetation on the site except for two trees at the south corner of the site and small strips of shrubs at the southeastern boundary. Trees which are the subject of a Tree Preservation Order (TPO Number 133) in Merchiston Cemetery overhang the mutual boundary in places.

### 2.2 Site History

13 March 1992 - Planning permission was granted to 'Form heritage brewing centre & restaurant & change of use from bowling green to car park (as amended)' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 91/02664/FUL).

23 August 1995 - Planning permission was granted to 'Demolish fire damaged maltings & beer storage warehouse & erect new storage, office & malt mill facilities' at 40 Slateford Road, Edinburgh, EH11 1PH (reference: 95/00290/FUL).

17 July 1996 - Planning permission was granted for 'Change of use of 50% of bowling green to car park' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 96/00971/FUL).

19 March 1998 - Planning permission was granted to 'Construct beer storage extension' at 40 Slateford Road, Edinburgh, EH11 1PH (reference: 97/03176/FUL).

17 June 1998 - Planning permission was granted for ' Extension to proposed beer storage tank building' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 98/00676/FUL).



4 February 2000 - Planning permission was granted to 'Erect 5 no. beer storage tanks linked by high level walkway' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 99/03821/FUL).

4 February 2000 - Permission was not required to 'Erect 5 no. beer storage tanks linked by high level walkway' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 99/03821/LBC).

13 October 2004 - Planning permission was granted for 'Demolition of festival hall and bowling pavilion, erection of new tank farm facility' at 42 Slateford Road, Edinburgh, EH11 1PH (reference: 04/02541/FUL).

11 October 2004 - Listed building consent was granted for 'Demolition of festival hall and bowling pavilion, erection of a new brewhouse within part of the demolished hall footprint' at 42 Slateford Road, Edinburgh, EH11 1PH (reference: 04/02541/LBC).

4 February 2005 - Planning permission was granted for 'Alterations to existing building to accommodate new cask conveyor and installation of new vehicle gatehouse + barrier' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 04/04325/FUL).

18 January 2005 - Listed building consent was granted for 'Alterations to existing building to accommodate new cask conveyor' at 42A Slateford Road, Edinburgh, EH11 1PH (reference: 04/04325/LBC).

6 May 2009 - Listed building consent was granted to 'Replace existing stair' at Caledonian Brewery, 40 Slateford Road, Edinburgh, EH11 1QB (reference: 09/00536/LBC).

17 October 2012 - Planning permission was granted for 'Alterations and new fence to site entrance' at Caledonian Brewery, 40 Slateford Road, Edinburgh, EH11 1QB (reference: 12/03150/FUL).

13 September 2012 - Permission was not required for 'Alterations and new fence to site entrance' at Caledonian Brewery, 40 Slateford Road, Edinburgh, EH11 1QB (reference: 12/03150/LBC).

## **Main report**

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### **3.1 Description of the Proposal**

An application for full planning permission will be submitted for the proposed partial demolition and residential redevelopment (including affordable housing) with landscaping, access, associated infrastructure and associated ancillary works of the former Caledonian Brewery site.

### 3.2 Key Issues

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

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

The site is in the Urban Area of the 2016 Edinburgh Local Development Plan (LDP). LDP Policy Hou 1 (Housing Development) sets out the policy criteria for considering the suitability of sites for housing proposals in the City against which the proposal will be considered. The change of use of the site from a recent employment use to housing requires consideration of LDP policy Emp 9 (Employment Sites and Premises) which provides support for such sites to remain in employment use but recognises the potential benefits of redevelopment for other uses.

As the brewery is Category B listed consideration of the historic environment and the proposal's compliance with historic environment policies and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 will be important.

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

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

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

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

The applicant should clearly demonstrate how the proposed design has considered the Council's policies and guidance. A high-quality design is expected at this historic site and proposals should show the suitability of the proposed alterations to existing buildings, and the layout, height, mass, and scale of new development within its context. Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed. A design solution that protects and enhances the historic environment will be required in respect of the listed building. In addition to showing that a high-quality environment can be delivered for future residents, supporting information will be required to show the development's relationship to the surrounding area to ensure that neighbouring amenity is adequately protected.

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

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

d) There are any other environmental factors that require consideration

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

- Pre-application Consultation Report
- Planning statement
- Heritage statement/conservation plan
- Design & Access Statement
- Flooding and Drainage Assessment, including Surface Water Management Plan
- Daylight/sunlight report
- Landscape information including local visualisations
- Phase 1 Habitat and Protected Species Survey
- Tree survey
- Archaeological statement
- Affordable housing statement
- Transport statement
- Noise and vibration impact assessment
- Land contamination assessment

- Waste strategy
- Air quality statement
- Sustainability statement

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

### **3.3 Assessment**

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

## **Financial impact**

---

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

## **Risk, Policy, compliance and governance impact.**

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

## **Equalities impact**

---

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

## **Sustainability impact**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Following receipt of the proposal of application notice (PAN) the applicant confirms that two public events will take place. Both events will be held at St Michael's Parish Church, 1 Slateford Road, Edinburgh EH11 1NX on 7th February 2024 between 4.30pm and 8.30pm and 27th March 2024 between 3.30pm and 7.30pm.

The proposals will be advertised in the Edinburgh Evening News in advance of each event, with adverts to be placed on 25th January 2024 (Event 1) and 14th March 2024 (Event 2).

Additional consultation activity includes a dedicated project website for those unable to attend event: [www.streets-uk.com/slateford](http://www.streets-uk.com/slateford) and a leaflet drop advertising both events will be carried out and will extend to approximately 2,200 properties.

On 14 December 2023 the PAN was notified to:

- Gorgie / Dalry Community Council
- Merchiston Community Council
- Hutchison / Chesser Community Council
- Cllr Denis Dixon
- Cllr Catherine Fullerton
- Cllr Dan Heap
- Cllr Ross McKenzie
- Cllr Christopher Cowdy
- Cllr David Key
- Councillor Val Walker
- Ms Joanna Cherry MP
- Angus Robertson MSP

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

### **Background reading/external references**

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

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

Contact: Sean Fallon, Planning Officer  
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## Location Plan

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## Development Management Sub Committee

**Wednesday 13 March 2024**

**Report for forthcoming application by**

**Summix MQE Developments Ltd. for Proposal of  
Application Notice**

**24/00438/PAN**

**at SAICA Pack, 1 Turnhouse Road, Cammo.**

**Mixed-use development potentially comprising residential,  
senior living, hotel, office, retail and other commercial  
uses and creation of new public realm with associated  
landscaping, infrastructure and access arrangements.**

**Item number**

**Report number**

**Wards**

B03 - Drum Brae/Gyle

### **Summary**

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'proposed mixed-use development potentially comprising residential, senior living, hotel, office, retail and other commercial uses and creation of new public realm with associated landscaping, infrastructure and access arrangements at SIACA Pack, 1 Turnhouse Road Edinburgh EH12 8NP.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 24/00438/PAN) on 29 January 2024.

## Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**



## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The application site measures approximately 6.5 hectares.

The site is bounded to the northeast by Turnhouse Road, to the south by the Glasgow Road and to the southwest by the east coast main railway line. To the northwest lies LDP housing site HSG 19 which is currently under development inclusive of housing, green spaces, and active travel corridors. Existing housing is located opposite the site across Turnhouse Road and Maybury Junction is located to the east. Notable features in the surrounding area include the Edinburgh Gateway train and tram station, the Gyle Centre, and Glasgow Road and the City of Edinburgh bypass to the south.

The site is now vacant, and its last use was industrial with remaining features at the site including a range of parking, servicing and delivery bays, hard standing and industrial buildings. The site is located in an area of change with LDP housing site HSG 19 currently under development for housing-led growth to the west. Other features in the surrounding area include retail, industry, and commercial land uses.

### **2.2 Site History**

There is no relevant planning history for this site.

## **Main report**

---

### **3.1 Description of the Proposal**

An application for full planning permission will be submitted for mixed-use development potential comprising residential, senior living, hotel, office, retail and other commercial uses and creation of new public realm with associated landscaping, infrastructure and access arrangements.

### **3.2 Key Issues**

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

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

The site is located within the urban area as defined by the Edinburgh Local Development Plan (LDP) (2016).

The acceptability of the proposal at this location in principle will be considered principally in the context of LDP Policy Hou 1 (Housing Development) which supports housing in the urban area subject to compliance with other relevant policies in the LDP. A wide range of other policies will be considered dependent on the mix of uses that will be proposed in the application, for example policy Emp 10 (Hotel Development). The change of use of the site from a recent employment use to housing requires consideration of LDP policy Emp 9 (Employment Sites and Premises) which provides support for such sites to remain in employment use but recognises the potential benefits of redevelopment for other uses.

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

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

On 19 December 2023 the Council's Planning Committee approved the West Edinburgh Placemaking Framework and Strategic Masterplan (WEPFSM) which intends to guide co-ordinated development in West Edinburgh. The site is located within the relevant area for the WEPFSM and proposals may need to comply with the aims and objectives of this non-statutory planning guidance, noting the WEPFSM would come into effect once City Plan 2030 has been adopted.

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

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

The proposal should clearly demonstrate how the proposed design has considered the Council's policies and guidance. A high-quality design is expected at this historic site and proposals should show the suitability of the proposed alterations to existing buildings, and the layout, height, mass, and scale of new development within its context.

Sustainability measures and the proposal's consideration of NPF 4 themes including climate change, and the six qualities of successful places will have to be clearly addressed. In addition to showing that a high-quality environment can be delivered for future residents, supporting information will be required to show the development's relationship to the surrounding area to ensure that neighbouring amenity is adequately protected.

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

The proposal shall have regards to the LDP transport policies and NPF 4 policy 13 (Sustainable Transport), as well as the Edinburgh Street Design Guidance and the parking standards in the Edinburgh Design Guidance. The applicant will be required to provide transport information to identify any impact on the surrounding road network, demonstrate how the proposal provides opportunities for active and public transport travel, show how the proposal is aligned with the parking standards, and provide details including service arrangements, cycle parking and provision for electric vehicles. Full details of the site's connectivity to the surrounding area, particularly the neighbouring housing-led development and emerging proposals in West Edinburgh, as part of the forthcoming planning application is required.

d) The proposal has acceptable impacts on infrastructure

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

e) There are any other environmental factors that require consideration

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

- Pre-application Consultation Report
- Planning statement
- Design & Access Statement
- Flooding and Drainage Assessment, including Surface Water Management Plan
- Daylight/sunlight report
- Landscape and visual impact assessment
- Retail Impact and Leisure Statement
- Phase 1 Habitat and Protected Species Survey
- Tree survey
- Archaeological statement

- Affordable housing statement
- Transport statement
- Noise and vibration impact assessment
- Land contamination assessment
- Waste strategy
- Air quality statement
- Sustainability statement

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

### **3.3 Assessment**

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

### **Financial impact**

---

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

### **Risk, Policy, compliance and governance impact.**

---

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

### **Equalities impact**

---

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

### **Sustainability impact**

---

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

### **Consultation and engagement**

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#### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

#### **8.2 Publicity summary of representations and Community Council comments**

Following receipt of the proposal of application notice (PAN) the applicant confirms that two public events will take place. The events will be held at Delta Hotels, 111 Glasgow Road, Edinburgh, EH12 8NF on Wednesday 27 March 2024 from 14.00-19.00 and Wednesday 22 May 2024 from 14.00-19.00. The events will be advertised in the Edinburgh Evening News at least 7 days in advance.

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A website supplements the two consultation events and can be accessed at [www.maybury-quarter.co.uk](http://www.maybury-quarter.co.uk). Leafleting of properties in the vicinity of the site in advance of each public event will be carried out. Meetings with the community council and other local stakeholder groups will be arranged.

The applicant confirms the PAN has been notified to:

- Corstorphine Community Council
- Ratho and District Community Council (neighbouring)
- North West Local Community Planning Partnership
- Councillor Robert Aldridge
- Councillor Euan Hyslop
- Councillor Edward Thornley
- Councillor Kevin Lang
- Councillor Norman Work
- Councillor Louise Young
- Councillor Lewis Younie
- Councillor Cammy Day, Leader of City of Edinburgh Council
- Councillor Hal Osler, Convenor of Development Management Sub-Committee
- Alex Cole-Hamilton MSP
- Christine Jardine MP

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

### **Background reading/external references**

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

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

**Contact: Sean Fallon, Planning Officer**  
E-mail: [sean.fallon@edinburgh.gov.uk](mailto:sean.fallon@edinburgh.gov.uk) Tel:0131 469 3723

## Location Plan

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## Development Management Sub Committee

**Wednesday 13 March 2024**

**Report for forthcoming application by**

**FMG Western Harbour Ltd. for Proposal of Application Notice.**

**24/00581/PAN**

**at Plots A1, A2, B1, B2 & C Western Harbour, Western Harbour Drive, Edinburgh.**

**Residential development & associated works in keeping with the established Western Harbour Masterplan.**

**Item number**

**Report number**

**Wards**

B13 - Leith

### Summary

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The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for 'residential development and associated works in keeping with the established Western Harbour Masterplan' at Plots A1, A2, B1, B2 & C, Western Harbour Drive, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice (Ref: 24/00581/PAN) on 5th February 2024.

### Links

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**Coalition pledges**

**Council outcomes**

**Single Outcome Agreement**

## **Recommendations**

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

## **Background**

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### **2.1 Site description**

The site, measuring approximately 2.98 hectares, is located at the north-western corner of Western Harbour. It is reclaimed land that is now covered in vegetation and a number of trees. Areas of ponds have also formed within some of the plots. The site is covered by a Tree Protection Order (no. 206). The plots are defined by the partially completed roads that run around and through the site.

To the west of the site is existing flatted development. To the north is the western breakwater, Edinburgh Waterfront Promenade safeguard and the open space at Lighthouse Park. To the east is Leith Docks. Further south is the wider development area of Western Harbour.

### **2.2 Site History**

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

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

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

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

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

13 May 2013 - section 42 application granted to extend the timeframe for commencing development of 07/00007/REM by six years (application number 13/00498/FUL). Permission lapsed.



5 October 2023 - Proposal of Application Notice submitted for Plot A1 for residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan (application reference 23/06110/PAN)

Relevant history on adjacent Sites:

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

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

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

## **Main report**

---

### **3.1 Description of the Proposal**

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

### **3.2 Key Issues**

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

#### **a) The principle of development is acceptable in this location**

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

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

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

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

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

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

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

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

The LDP development principles also note that proposals will be expected to design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development.

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

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

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

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

- Pre-application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Transport Statement and travel plan;
- Daylighting and Overshadowing information;
- Archaeological information;
- Visual appraisal information;
- Ecological Appraisal;
- Tree Survey;

- Landscape and Management Report;
- Flood Risk Assessment and Surface Water Management Plan;
- Phase 1 Ground Investigation Report;
- Sustainability Statement and S1 form.

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

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

### **3.3 Assessment**

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

## **Financial impact**

---

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

## **Risk, Policy, compliance and governance impact.**

---

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

## **Equalities impact**

---

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

## **Sustainability impact**

---

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

## **Consultation and engagement**

---

### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

Following receipt of the proposal of application notice (PAN) the applicant has given details of two public events, one held on 27th February 2024 and one on 2nd May 2024 between 4pm - 8pm at the Heart of Newhaven.

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

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

## **Background reading/external references**

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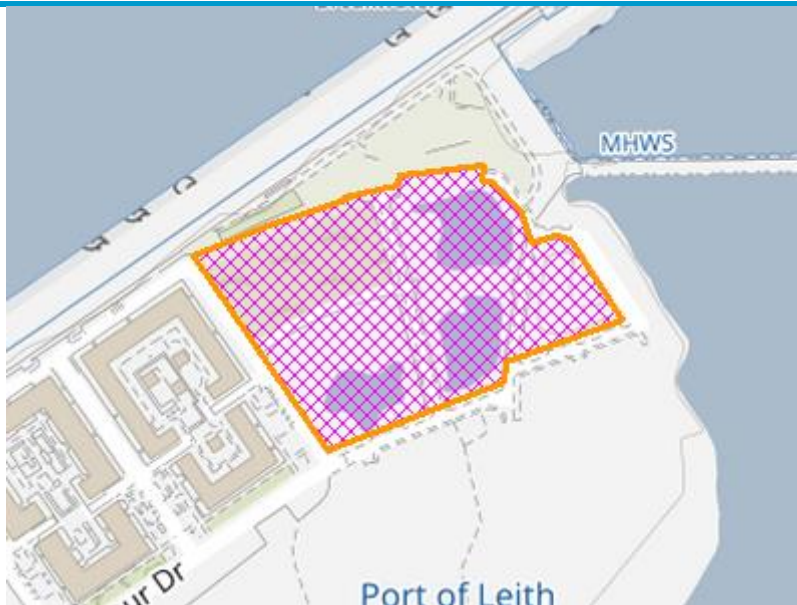
- To view details of the proposal of Application Notice go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

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## **Location Plan**

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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

**Application for Planning Permission  
62 Belmont Road, Juniper Green, EH14 5ED**

**Proposal: The proposal is for a change of use of annex to allow short term let use.**

**Item – Committee Decision  
Application Number – 22/04501/FUL  
Ward – B02 - Pentland Hills**

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

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

#### **Recommendation**

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

#### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this property to a short term let (STL) will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application complies with the Development Plan and there are no material considerations which outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The proposal relates to an ancillary building referred to as an annexe within the curtilage of 62 Belmont Road. The annexe is a single storey timber clad building measuring approximately 32 square metres and situated to the northeast of the main dwelling within the garden ground. The unit comprises a bedroom, bathroom and living room with kitchen facilities.

The front elevation of the annexe faces towards the main dwelling. The immediate area is residential in nature. The access is off Belmont Road, a single-track lane that has low levels of vehicular and pedestrian traffic. The character of the area is residential.

The annexe operates physically and functionally independent of the main dwelling when in STL use, creating a new planning unit.

The property is situated in the Juniper Green conservation area.

### **Description of the Proposal**

The proposal is for a change of use of the annexe to short term let use.

### **Supporting Information**

- Supporting Statement

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No further relevant site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

Transport

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 30 September 2022

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

**Press Publication Date(s):** 7 October 2022

**Site Notices Date(s):** 4 October 2022

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

The application has been submitted in retrospect. The application property has been listed online for STL rental since July 2022. This is before the 5 September 2022, which is when the Edinburgh short-term let control designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short stay let is a material change of use.

The effect of granting planning permission would be to change the use from residential to STL. The proposal results in the creation of a new planning unit which constitutes a material change in use of the property under Section 26 of the Town and Country Planning (Scotland) Act 1997.

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

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

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

The Juniper Green Conservation Area Character Appraisal emphasises: *"the traditional village character, and the wide and interesting mix of architectural styles and forms."*

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

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

The proposals are acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the development plan.**

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

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

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

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

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

### Conservation Area

The impact on the character and appearance of the conservation area has been considered above in section a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with NPF4 Policy 7.

### Proposed Use

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



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

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

### *Amenity*

The use of the annex for STL use would introduce an increased frequency of movement to the application site as visitors would be able to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. However, in this instance, given the location, small size of the annex and the proximity of the main residential property, the change of use will not result in the deterioration of the living conditions of nearby residents or impact on the character of the area. Therefore, the proposal complies with policy Hou 7 and NPF 4 policy 30(e)(i).

### *Loss of residential accommodation*

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

The proposal would not result in the loss of residential accommodation as the residential use of the principal dwelling will be retained. As such, NPF 4 30(e) part (ii) does not apply.

### Transport

The application received a consultation response from Edinburgh Council Transport officers which had no objection to the proposal.

Off street parking is available at the site. This is acceptable as there are no parking requirements for STLs.

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

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

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application is acceptable with regard to transport matters. The application complies with the Development Plan.

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

The following material planning considerations have been identified:

### Emerging policy context

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

### Equalities and human rights

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

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

### Public representations

The application received no public representations.

### **Conclusion in relation to other material considerations**

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

### **Overall conclusion**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application complies with the Development Plan and there are no material considerations which outweigh this conclusion.

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

The recommendation is subject to the following.

### **Conditions**

1. The Planning Permission for short term let use relates to the annex only as outlined in red and detailed in drawing 02 - Site Plan.

### **Reasons**

1. In order to safeguard the amenity of neighbouring residents.

## **Background Reading/External References**

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

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

**Date Registered: 28 September 2022**

## **Drawing Numbers/Scheme**

01 - 03

Scheme 1

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

Contact: Benny Buckle, Assistant Planning Officer  
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## Summary of Consultation Responses

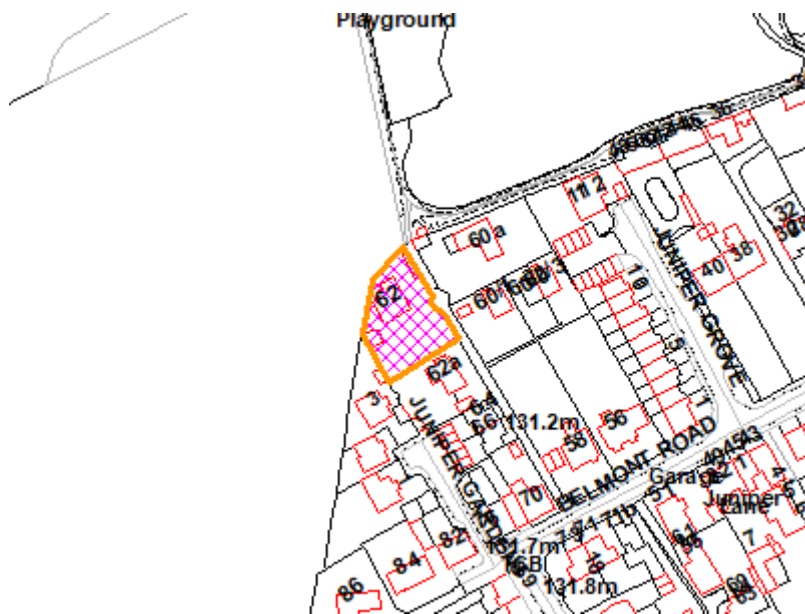
NAME: Transport

COMMENT: No objection.

DATE: 4 April 2023

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

## Location Plan



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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

**Application for Planning Permission  
79 Dundas Street, Edinburgh, EH3 6SD**

**Proposal: Use of part of residential dwelling for the purposes of short-term letting.**

**Item – Committee Decision  
Application Number – 22/04195/FUL  
Ward – B11 - City Centre**

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

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

#### **Recommendation**

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

#### **Summary**

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

The partial change of use of the basement area within the property to a Short Term Let (STL) will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application is acceptable with regard to transport matters. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The application site is an area within the basement of a four-storey townhouse on the eastern side of Dundas Street. The site is accessed via steps from the street level down to the basement and has its own main door. The area is connected to the main town house via a door.

Dundas Street is a busy street comprising predominantly residential accommodation and a mix of commercial uses. Public Transport links are relatively accessible from the site.

The application site forms part of a category B Listed Building, 79-85 (Odd Nos) Dundas Street And 34b Cumberland Street, Including Railings, LB28711, 13/09/1964.

The application falls within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

### **Description of the Proposal**

The application proposes a change of use of part of the basement within the dwellinghouse from residential to Short Term Let (STL) accommodation. The size of the STL unit is approximately 24 square metres and comprises an en-suite bedroom and a kitchen/sitting area. No internal or external physical changes are proposed. The application is in retrospect.

### **Supporting Information**

- Planning Statement.
- Register of guests.
- Photos 01, 02, 03.

### **Relevant Site History**

01/04450/LBC  
79 Dundas Street  
Edinburgh  
EH3 6SD  
Internal alterations  
Granted  
1 February 2002

13/05322/FUL  
Walton Hotel  
79 Dundas Street  
Edinburgh  
EH3 6SD  
Alterations to hotel to form dwelling house, demolition of former kitchen, extension to the rear of the property. (as amended)  
Granted  
3 March 2014

13/05323/LBC  
Walton Hotel  
79 Dundas Street  
Edinburgh  
EH3 6SD  
Internal alterations to form dwelling house, demolition of former kitchen, extension to the rear of the property. Replacement of glazing within existing windows with double glazing slim lite units.

Granted  
21 February 2014

14/00024/FUL  
Walton Hotel  
79 Dundas Street  
Edinburgh  
EH3 6SD  
Change of use from hotel to dwelling house.  
Granted  
28 February 2014

### **Other Relevant Site History**

No other relevant site history was identified.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 September 2022  
**Date of Renotification of Neighbour Notification:** Not Applicable  
**Press Publication Date(s):** 9 September 2022  
**Site Notices Date(s):** 6 September 2022  
**Number of Contributors:** 6

## **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:

The application has been submitted in retrospect. The applicant indicates on the application form that the operation of the property as a short stay let commenced in 2015. This is before the 5 September 2022, which is when the Edinburgh short-term let control designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short stay let is a material change of use.

The effect of granting planning permission would be to change the use from residential to STL. The proposal results in the creation of a new planning unit which constitutes a material change in use of the property under Section 26 of the Town and Country Planning (Scotland) Act 1997.

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

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

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

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



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

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

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

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

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

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

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

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

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

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

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

### **c) The proposals comply with the development plan.**

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

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

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Housing Policy, Hou 7.

- Local Development Plan Transport Policies, Tra 2 and Tra 3

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

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

#### Listed Buildings, Conservation Area, and World Heritage Site

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

#### Proposed Use

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

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

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

#### *Amenity*

The proposal will result in a small section of the basement within the townhouse being subdivided and used as STL accommodation. The STL accommodation has its own access, as well as bed, bathroom, and kitchen facilities. There is an internal door between the STL use and the rest of the townhouse which is locked and restricts guest access to the rest of the property. Given this, the proposed STL unit will create a new planning unit.

The site is located on a busy street comprising predominantly residential accommodation and a mix of commercial uses. There is a moderate degree of activity in the immediate vicinity of the property at any time.

The use of the property as a STL would introduce an increased frequency of movement to the application site as visitors would be able to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. However, in this instance, given the location, small size of the application area and the retention of the link between the application area and the townhouse, the change of use will not result in the deterioration of the living conditions of nearby residents or impact on the character of the area. Therefore, the proposal complies with policy Hou 7 and NPF 4 policy 30(e)(i).

### *Loss of residential accommodation*

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

The proposal would not result in the loss of residential accommodation as the residential use of the main dwelling will be retained. As such, NPF 4 30(e) part (ii) does not apply.

### Parking Standards

No parking is proposed. This is acceptable as there are no parking requirements for STLs.

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

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

The partial change of use of the basement area to an STL is acceptable with regards to residential amenity and the character of the area. The application is acceptable with regard to transport matters. The application is in accordance with the development plan.

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

#### 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

6 representations were received in support of the application. A summary of the representations is provided below:

### *material considerations in support*

- The property owners use the main dwelling as their principal residence. Addressed in Section C.
- Insufficient visitor accommodation in the city. Addressed in Section C.

### *non-material considerations*

- The application is retrospective. The retrospective nature of the application does not impact on the acceptability of the application.
- Relationship with the applicant.
- Planning permission should not be required.

### **Conclusion in relation to other material considerations**

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

### **Overall conclusion**

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

The partial change of use of the basement area within the property to a Short Term Let will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application is acceptable with regard to transport matters. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion.

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

The recommendation is subject to the following.

### **Conditions**

1. The Planning Permission relates only to the area outlined in red and detailed in drawing 02A - Lower Ground Layout Plan.

### **Reasons**

1. In order to safeguard the amenity of neighbouring residents.

## **Background Reading/External References**

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

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

**Date Registered: 31 August 2022**

## **Drawing Numbers/Scheme**

01A, 02A, 03

Scheme 1

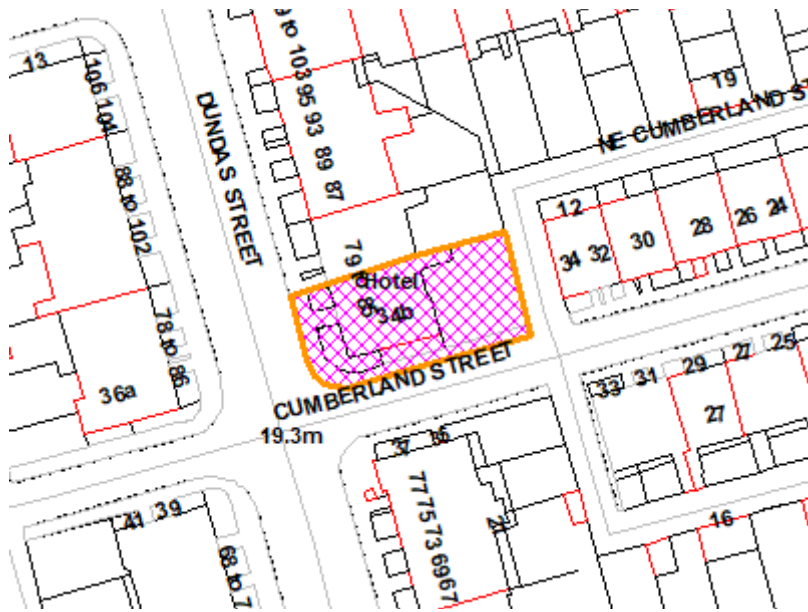
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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

## Summary of Consultation Responses

No consultations undertaken.

### Location Plan



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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

**Application for Planning Permission  
15 & 15A Eden Lane, Edinburgh, EH10 4SD**

**Proposal: Use of the annexe section of the existing residential dwelling for short term let rental (in retrospect), (amended).**

**Item – Committee Decision  
Application Number – 22/04057/FUL  
Ward – B10 - Morningside**

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

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

#### **Recommendation**

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

#### **Summary**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this annex to a short term let (STL) will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application complies with the development plan and there are no material considerations which outweigh this conclusion.

### **SECTION A – Application Background**

#### **Site Description**

The application property is a small annex within the curtilage of and adjoining the main residential house at 15 Eden Lane. The annex is approximately 20 square metres with its own access and is comprised of a single bedroom, bathroom, kitchenette and living area.

There is an internal door between the main house and annex, however this would remain locked at all times whilst in use as a STL. The annex operates physically and functionally independent of the main dwelling when in STL use, creating a new planning unit.

The property is accessed of Eden Lane, which is a narrow, cobbled lane. The immediate area is mixed use in nature with other residential properties, a bowling and tennis club to the north and two schools to the south of the site. Despite the nearby non-residential uses, the character of the area is quiet with low levels of vehicular and pedestrian traffic.

The property is situated in the Grange conservation area.

### **Description of The Proposal**

The proposal is for the change of use of the annex section of the existing residential dwelling to STL use.

### **Supporting Statement**

- Supplementary Information

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No further relevant site history.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 27 September 2022

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

**Press Publication Date(s):** 7 October 2022

**Site Notices Date(s):** 4 October 2022

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?



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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

The application has been submitted in retrospect. The applicant indicates on the application form that the operation of the property as a STL commenced in 2015. This is before the 5 September 2022, which is when the Edinburgh short-term let control designation came into effect. As the designation does not have a retrospective effect it is necessary to consider whether the use of the property as a commercial short stay let is a material change of use.

The effect of granting planning permission would be to change the use from residential to STL. The proposal results in the creation of a new planning unit which constitutes a material change in use of the property under Section 26 of the Town and Country Planning (Scotland) Act 1997.

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

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

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

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

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

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

The proposals are acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

#### **b) The proposals comply with the development plan.**

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

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

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

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

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

#### Conservation Area

The impact on the character and appearance of the conservation area has been considered above in section a). It was concluded that the change of use would not have any material impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with NPF4 Policy 7.

## Proposed Use

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

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

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

### *Amenity*

The proposal will result in the small annex which adjoins the main residential property being used for STL accommodation. This would introduce an increased frequency of movement to the application site as visitors would be able to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. However, in this instance, given the location, small size of the annex and the close proximity of the main residential property, the change of use will not result in the deterioration of the living conditions of nearby residents or impact on the character of the area. Therefore, the proposal complies with policy Hou 7 and NPF 4 policy 30(e)(i).

### *Loss of residential accommodation*

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

The proposal would not result in the loss of residential accommodation as the residential use of the principal dwelling will be retained. As such, NPF 4 30(e) part (ii) does not apply.

## Parking Standards

Off street parking is available at the site.

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

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

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application is acceptable with regard to transport matters. The application complies with the development plan.

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

The following material planning considerations have been identified:

### Emerging policy context

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

### Equalities and human rights

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

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

### Public representations

The application received no public representations.

### **Conclusion in relation to other material considerations**

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

### **Overall conclusion**

The proposal is acceptable with regard to Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the Conservation Area.

The change of use of this property to an STL will not have an unacceptable impact on neighbouring amenity, nor a loss of residential accommodation. The application complies with the Development Plan and there are no material considerations which outweigh this conclusion.

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

The recommendation is subject to the following.

### **Conditions**

1. The Planning Permission for short term let use relates to the annex only as outlined in red and detailed in drawing 02 - Site Plan.

### **Reasons**

1. In order to safeguard the amenity of neighbouring residents.

## **Background Reading/External References**

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

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

**Date Registered: 15 September 2022**

## **Drawing Numbers/Scheme**

01 B, 02, 03

Scheme 1

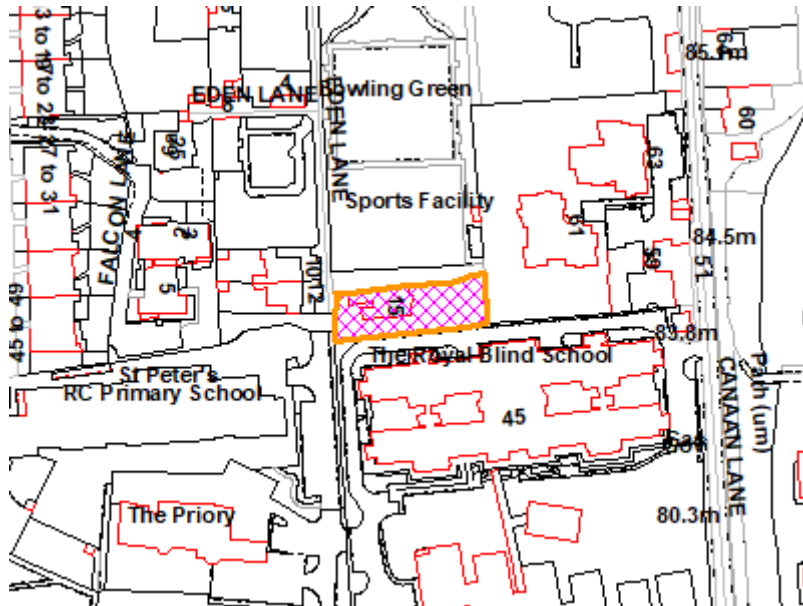
**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

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

13 March 2024

### Confirmation of Tree Preservation Order No. 209 (Greenhill Court)

Item number

Report number

Wards 10 - Morningside

#### Summary

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Tree Preservation Order No. 209 (Greenhill Court) was made on 27 September 2023 to protect two lime trees in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 27 March 2024 to ensure it provides permanent tree protection.

It is recommended that Committee confirms Tree Preservation Order No. 209 (Greenhill Court).

#### Links

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

# Report

## Confirmation of Tree Preservation Order No. 209 (Greenhill Court)

### Recommendations

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a.1 It is recommended that Committee confirms the Order.

### Background

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#### 2.1 Site description

The site is a modern flatted block and hospital conversion within the Merchiston and Greenhill Conservation Area. The trees subject to the TPO form a pair (T1 and T2) and are to the frontage addressing the street. The area is a quiet leafy street characterised by sandstone villas with small front gardens many of which accommodate trees.

#### 2.2 Site History

13 March 2023 - Tree works Notice 23/01082/TCO was submitted to the planning authority seeking to fell a lime tree, T1. The tree officer evaluated the tree as having public amenity value worthy of protection and advised lesser suitable works. The applicant agreed and confirmed revision to reduce the height of the tree in question by up to 3m and pruned back to allow a 2m clearance to adjacent properties and repair the wall. The decision on this occasion was to not make a TPO permitting the lesser works.

17 August 2023 - further tree works Notice 23/03756/TCO submitted to fell the Lime tree, T1. The recommendation on this occasion was to make a TPO and for it to also cover the other lime tree, T2 because together they provide high amenity value.

27 September 2023 – Making of provisional TPO 209 Greenhill Court.

2 November 2023 - Following the making of the provisional TPO 209, a TPO tree works application 23/06605/TPO was received to fell the two limes T1 and T2 citing “*height and root growth affecting foundations to adjacent buildings*”, The application was supported by two reports:



- a. A stone-mason's report supported with four photographs and
- b. A structural inspection report by consulting engineers.

However no Arboricultural report was submitted.

A site visit was made by the tree officer on 14 November 2023. The trees were seen in the context of other lime trees in the vicinity on the opposite side of the road. The trees T1 and T2 are lapsed lime pollards and despite this, appeared to be in good condition providing public amenity value worthy of a TPO. Minor cracks were visible in the wall associated with both trees and minor displacement outward in the case of T1. However, the trees are capable of being managed by pruning by either crown reduction or cyclical pollard management as high pollards (See BS 3998:2010 Tree works Section 7, 7.10 and Annex C, C.1 and C.2) and minor defects in the wall are capable of remedy without felling the trees. The application was refused.

18 December 2023 - The applicants lodged an appeal against the decision of 23/06605/TPO to the DPEA. The Appeal was dismissed by DPEA on 15 February 2024. (See Background Papers).

15 February 2024 - Further TPO application 24/0744/TPO submitted to reduce height by up to 3m and prune back from flats to give 2m clearance of TPO T1 lime tree. This is pending decision.

It should be noted that prior Notice 17/01099/TCO dated 10.03.2017 had permitted routine tree management including pruning of basal epicormics back from wall and crown reduction to reduce wall pressure, along with removal of major deadwood.

## **Main report**

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### **3.1 Description of the Proposal**

The planning authority sought to protect the two limes following the receipt of Tree Works Notice 23/03756/TCO to fell T1 which cited "boundary wall damage" and a works description "*Remove. Ongoing wall movement. Loss of stability causing public safety concern for footway users*". The Notice application was supported by the opinion of a stonemason. The wall in question is a low capped ashlar wall supporting panels of railing between tall, capped pillars.

A site visit was made by the tree officer on 13 September 2023. The tree was seen in the context of another lime with which it formed a pair to the frontage of Greenhill Court and a row of lime trees on the opposite side of the road. The tree, a lapsed lime pollard, appeared to be in good condition and was evaluated as providing public amenity value along with the other lime worthy of TPO. The trees are capable of being managed by pruning without the need to fell. The minor crack in the wall with minor displacement outward, were judged insufficient reason to fell a tree, as it is capable of remedy without felling the tree.

The trees contribute to the cadence of trees along Greenhill Terrace and are important for the character and appearance of the Conservation Area. The recommendation was to make a TPO to protect the trees and the Order was served on the 27 September 2023.

### **3.2 Determining Issues**

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

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

### **3.3 Assessment**

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

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

a) Amenity, Expediency and Cultural or Historic Interest

The trees are mature large specimens often used and suitable for the urban street context. The trees provide a high degree of public amenity value and were under threat of felling. The preservation of the trees in this case was expedient as it was the only means by which the proposed felling could be prevented.

The lime trees feature in a photograph of Greenhill Terrace in the Merchiston and Greenhill Conservation Area Appraisal, page 35 demonstrating that they are important assets within the streetscape.

b) Development Plan

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

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

c) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

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

d) Representations

The planning authority is required to consider any objection or representation made within 28 days of making and advertising a Tree Preservation Order. The making of the TPO was advertised in the normal manner.

Two representations were received. One from the applicant (Charles White Ltd.) of 23/03756/TCO acting on behalf of the Greenhill Residents Committee received 26 October 2023 and a second from a Greenhill Court resident received 27 October 2023.

### Objection from the applicant

The main issue cited was that the two lime trees were alleged to be causing significant damage to the boundary walls and that potential future damage to the foundation of the adjacent building would be a financial burden on the development.

The tree officer evaluated that the trees are capable of either being crown reduced as done in the past (17/01099/TCO) or, by undertaking a phased programme of works in accordance with British Standard BS 3998:2010 Tree Works (Section 7, 7.10 and Annex C, C.1 and C.2) to establish new higher pollard points and for the tree to then be thereafter managed cyclically as high pollards.

The issue of conflict between trees and masonry walls was also evaluated by the tree officer as capable of mitigation through modification to the wall to alleviate pressure points without loss of the trees.

### Representation from a resident of Greenhill Court

The resident stated they are not on the Residents Association committee and are expressing personal opinion. They stated the tree had grown considerably and that they had been advised it was damaging the wall and was a potential danger to the building. The council has the power to make the Order but suggested the council dialogue with those seeking to fell and asked that the case be referred to the Development Management Committee.

### Conclusion

The trees are mature lime typical for the urban street context and featured within the Greenhill Terrace in the Merchiston and Greenhill Conservation Area Appraisal. The trees are significant assets contributing to the character and appearance of the streetscape within the Conservation Area. They have not been properly managed as pollards and have lapsed. They are capable of being brought into effective management either periodic crown reduction or establishment of high pollard points while the low wall is capable of being repaired with modifications to alleviate pressure without requiring the felling of the trees.

TPO 209 was made under delegated powers to protect the two lime trees from removal unless with the consent of the Planning Authority.

It is recommended that the Tree Preservation Order be confirmed in order to provide permanent protection.

The Tree Preservation Order Schedule and map are enclosed at Appendices 1 and 2 and photographs of the trees at Appendix 3.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

Costs are accommodated through existing budgets.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Not applicable.

### 8.2 Publicity summary of representations and Community Council comments

The Order was advertised in the local press on 27 September 2023 and displayed at Morningside Library, 184 Morningside Road, Morningside, Edinburgh EH10 4PU in accordance with regulatory requirements. A copy was also available to view on the Council's website.

## Background reading/external references

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

**Statutory Development****Plan Provision**

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

**Date registered**

N/A

**Drawing numbers/Scheme**

N/A

**David Givan**

**Chief Planning Officer**

**PLACE**

**City of Edinburgh Council**

Contact: Nola O'Donnell, Planning Officer - Landscape

E-mail: [Nola.O'Donnell@edinburgh.gov.uk](mailto:Nola.O'Donnell@edinburgh.gov.uk)

## **Links - Policies**

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### **Relevant Policies:**

#### **Local Development Plan**

##### **LDP Policy ENV12 (Trees)**

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

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

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

# Appendices

## APPENDIX 1 Tree Preservation Order First Schedule

### SCHEDULE 1

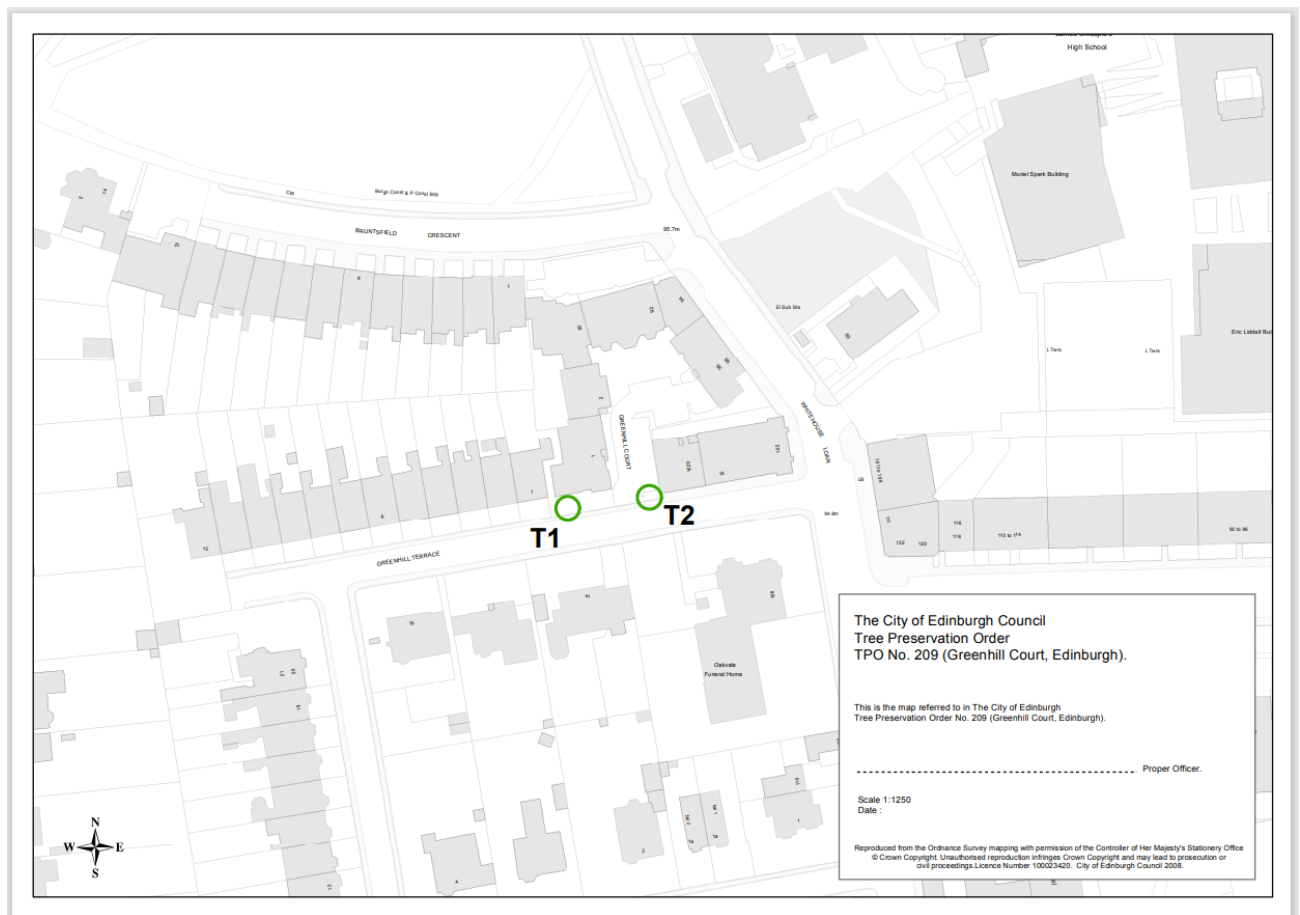
<b>Trees specified individually (marked in green on the map)</b>		
<b><u>No. on map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
T1	Lime	On the land at GREENHILL COURT, EDINBURGH and being part of the subjects more particularly described in the disposition in favour of AMA (New Town) Limited recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 25 July 1995.
T2	Lime	On the land at GREENHILL COURT, EDINBURGH and being part of the subjects more particularly described in the disposition in favour of AMA (New Town) Limited recorded in the Division of the General Register of Sasines applicable to the County of Midlothian on 25 July 1995.
<b>Trees Specified by Reference to an Area (with a continuous black line on the map)</b>		
<b><u>No on map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>



None		
<b>Groups of Trees (within a broken black line on the map)</b>		
<b><u>No on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
None		
<b>Woodlands (within a continuous red line on the map)</b>		
<b><u>No on Map</u></b>	<b><u>Description</u></b>	<b><u>Situation</u></b>
None		

# APPENDIX 2

## Tree Preservation Order Map



**APPENDIX 3  
Photographs**



Figure 1 The lime trees T1 ( centre) and T2 (left of centre)



Figure 2 The trees (*left of frame*) in street context, Greenhill Terrace.



Figure 3 The trees (*right of frame*) as seen from junction of Greenhill Terrace and Whitehouse Loan.

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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

### **Application for Planning Permission**

**7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh**

**Proposal: Alterations and new development including partial demolition and rear /rooftop extensions to form new hotel (Class 7) with ancillary uses and lower and ground floor commercial uses (Class 1A and Class 3), public and private amenity space, ancillary areas and external pend access with associated works.**

### **Item – Other Item at Committee**

**Application Number – 23/06554/FUL**

**Ward – B11 - City Centre**

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

The proposed development affects several listed buildings within the First New Town and includes the demolition of a complete listed building and a significant part of another. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the special historic and architectural interest of the listed buildings and their settings. The character and appearance of the conservation area will be preserved and enhanced.

Overall, the development is in accordance with the development plan. The revised scheme will deliver a sustainable and well-designed hotel development with active uses at street level. The proposals include design features that will contribute to climate mitigation and adaptation, as well as encouraging biodiversity. The development will support the existing mixed uses surrounding the site and is consistent with the six qualities of successful places as set out in NPF4. The design draws on the unique historic and architectural characteristics of the site and will create a new sense of place.

Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the sensitive redevelopment of under-used listed buildings in appropriate uses that will contribute to the regeneration of Princes Street and the surrounding area.

Other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The application relates to a group of buildings of various age, scale, style, use and designation within the block between Princes Street, the east side of Hanover Street and Rose Street. These buildings are in active commercial uses (retail, restaurant, and bookmakers) at ground floor and basement level, and the upper floors are vacant or used for retail storage. The site area is 1238 square metres.

The constituent buildings are as follows:

#### 70-71 Princes Street (Block 5)

This four storeys and attic, Early North European Renaissance style building by Hippolyte J Blanc was constructed in 1886 as a café but has been in retail use for several years with shop storage on the upper levels. The building is category B listed (reference LB30146, listed on 12.12.1974) and comprises a sandstone structure with a red polished ashlar, narrow gabled frontage featuring a semi-elliptical central arched recess with canted windows from first to third level, six-over-one pattern, timber-framed sash and case windows, and a slated roof. The shopfront is modern with a white cladding surround.

#### 7-11 Hanover Street (Block 3)

Category B listed under 3-9 Hanover St (reference LB43291, listed on 23.03.1996), this building is one of a former pair of two-storey and attic, classical style townhouses, dating from 1784-90 with subsequent alterations and additions, including modern shops built out at ground floor level. The building is occupied by a restaurant at ground and first floor level and a nightclub at basement level. The upper floors are used for storage and ancillary spaces for the restaurant. The paired buildings are constructed in droved cream sandstone, with timber-framed windows and slated roofs. Nos. 7-11 has undergone significant alterations, including the addition of a new shopfront and large bay window at first floor level in 1959-61. The remaining windows on the principal elevation are casement, whereas the windows in the adjoining building are sash and case.



### 15-19 Hanover Street (Block 4)

This category C listed, three storey and attic building comprising former tearooms, was designed by A K Robertson in 1923 for David Shiels Crawford (listed under 11-19 Hanover St, reference LB43292, listed on 28.03.1996). The basement, ground floor and mezzanine are in retail use and the upper floors are not being used in any capacity. The main construction material is polished cream sandstone, and the building has a modern projecting rendered shopfront at ground floor level, a balustraded parapet with three corniced dormers, and a slated mansard roof. The windows are six-over-six pattern, timber-framed sash and case.

The internal fabric has deteriorated since it was last in use, with signs of water ingress now apparent.

### 40 Rose St (Block 1)

This is a two-storey building in use as a bookmakers, on the corner of Rose Street and Rose Street South Lane, dating from the earlier 19th century, but with significant rebuilding including a modern interior. The building is category C listed (under 32 Rose St, (reference LB43336, listed on 28.03.1996) and constructed in painted sandstone, rendered at ground floor level, and droved at first floor level, with a gabled wallhead chimney stack, timber-framed two-over two pattern sash and case windows and a piended slate roof.

### 38a Rose Street (Block 2)

This earlier 19th-century, four-storey warehouse was built on the site of a late 18th-century mews building and is currently in use as storage. From the 1890s, the building formed a link between 70-71 Princes Street and 15-19 Hanover Street and was used as a kitchen, dairy and bakery for the tearooms and restaurants in the main buildings. The structure, which is included in the listing for 70-71 Princes Street (reference LB30146, listed on 12.12.1974), was altered significantly in the early and mid-20th century to the extent that not much original fabric survives.

### Other Listed Buildings and Designations

There are numerous listed buildings in the surrounding area including:

#### category A

- Scott Monument, East Princes St Gardens (reference LB27829, listed on 14.12.1970).
- Royal Scottish Academy, 77 Princes St (reference LB27744, listed on 14.12.1970); and
- former Royal Society Building, 26 George St and 53 & 55 Hanover St, (reference LB28865, listed on 13.01.1966)

#### category B

- 23-29 Hanover Street (reference LB28997, listed on 20.02.1985).
- former BHS department store, 64 Princes Street (reference LB51249, listed on 26.26.2008).

Other key designations in the vicinity of the site include:

- Edinburgh Castle, a scheduled monument (reference SM90130, designated on 17.05.1993); and
- East and West Princes Street Gardens, within the New Town Gardens Designed Landscape (reference GDL00367, designated on 31.03.2001).

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

The surrounding area is in mixed, predominantly commercial, use including shops, offices, hotels/serviced apartments, restaurants, and bars.

### **Description of the Proposal**

The proposal is for the change of use of the upper floors from retail storage to a 61-bedroom hotel, with associated guest amenities and ancillary areas. Commercial uses (retail and café/restaurant) will be retained at basement, ground and mezzanine floor level and a large tearoom for hotel guest/public use will be formed at first floor level within 7-11 and 15-19 Hanover Street.

The hotel accommodation will comprise a series of bedroom suites within the existing and proposed buildings and a first-floor circulation link will provide access to the amenity areas, including the new tearoom in the adjoining Hanover Street buildings.

The proposed gross internal floor area is 4750 square metres.

### Accommodation Schedule

70-71 Princes Street (Block 5): 7 suites from mezzanine to third floor level.

7-11 Hanover Street (Block 3): 6 suites from second to attic floor level.

15-19 Hanover Street (Block 4) 7 suites from second to fourth floor level.

38a Rose Street (Block 2): 28 suites from first to attic floor level; and

40 Rose Street (Block 1): 13 suites from first to penthouse level.

= 61 bedrooms

### **Proposed Demolitions and External Alterations**

#### 70-71 Princes Street (Block 5)

- remove the existing modern shopfront and install a new acid etched pre-cast concrete frontage with arched openings and dark grey PPC aluminium window and door frames (entry point from Princes Street into the hotel).

#### 38a Rose Street (Block 2)

- demolish the existing building, including the link structure to 70-71 Princes Street.
- erect a seven storey (including mezzanine), attic and basement building, externally clad in dark grey/brown brick, a bronze metal clad roof and PPC mid-grey aluminium window and door frames, with a central stair and lift core (B) and two roof terraces; and

- erect a new link structure connecting this building with 70-71 Princes Street, including a stair from mezzanine to first floor level.

#### 7-11 Hanover Street (Block 3)

- replace the existing modern shopfront with a new acid etched pre-cast concrete frontage with arched openings and dark grey PPC aluminium window and door frames (entry points from Hanover Street into the hotel and retail/cafe unit).
- remove the later bay window at first floor level and restore the frontage in buff sandstone on the original building line, including three six-over-one pattern, timber-framed sash, and case windows.
- demolish the existing rendered rear extension and a section of the slated rear roof pitch, including the dormer; and
- erect a new extension, one storey higher, externally clad in dark grey metal panels with PPC mid-grey aluminium window and door frames, a roof terrace and link corridor to 70-71 Princes Street at first floor level.

#### 15-19 Hanover Street (Block 4)

- replace the existing rendered brick rear extension with a new bronze metal clad and grey render structure, one storey higher.
- erect a new rooftop extension, externally clad in profiled bronze metal panels with a blue/green roof, PPC mid-grey aluminium window and door frames, and a glazed façade leading to an open terrace; and
- remove the existing access gantry to the former dairy building at first floor level and erect a replacement bronze metal clad/glazed link to the new building at 40 Rose Street.

#### 40 Rose St (Block 1)

- demolish the existing building and erect a six-storey building, including a recessed penthouse and rear projection, externally clad in light grey/buff brick, with areas of profiled bronze metal panels (on the rear recessed bay and all penthouse elevations); mid-grey PPC aluminium window and door frames, a blue/green roof and bronze effect curtain wall glazing to the Rose Street entrance; and
- incorporate a central stair and lift core (E), two roof terraces, recessed balconies, a new substation at ground floor level, and a plant room and link corridor to 15-19 Hanover Street at first floor level.

#### Access

Pedestrian access to the hotel will be via new level accesses at 70-71 Princes Street, 7-11 Hanover Street, and 40 Rose Street (new building) with lift and stair connections to the reception and bedrooms. Five new lift cores will provide access to all hotel bedrooms and two accessible bedrooms will be formed.

The primary access to the new tearoom will be via the Hanover Street entrance which has level access to the tearoom and hotel reception from the lift. The tearoom can also be accessed from all hotel accommodation internally (level access from the first floor of the new building at 38a Hanover Street).

The site is a short walk from the Princes Street tram stop and close to major bus routes with stops nearby on both sides of Hanover Street and Princes Street. Waverley Station is within easy walking distance to the east.

### Waste Strategy

Refuse from the hotel and other commercial units be will collected from a bin store at ground level within the new building at 38a Rose Street and refuse vehicles will be able to stop at the bin store doors (opening onto Rose Street South Lane). The store will contain a range of bins for separate glass, metal, plastic, and cardboard recycling, in addition to residual waste.

### Cycle/Car Parking

The proposed cycle parking provision comprises six spaces for staff on Sheffield type racks located within the bin store area of the new building at 38a Rose Street, accessed at ground level from Rose Street South Lane.

No car parking is proposed.

### Scheme 1

The original scheme proposed:

- a higher, alternatively detailed roof and light-grey engineered stone elevations for the replacement structure at 38a Rose Street.
- sandstone clad elevations for the new building at 40 Rose Street.
- a more advanced position and straight edge for the glazed façade of the rooftop addition to 15-19 Hanover Street.
- profiled bronze metal clad elevations for the new extension to 7-11 Hanover Street and a more substantial roof terrace/lift overrun structure.
- more contemporary style replacement shopfronts at 70-71 Princes Street and 7-11 Hanover Street; and
- eight-over-one pattern windows on the main elevation of 7-11 Hanover St with non-pedimented, shorter windows at first floor level.

### Associated Application

An application for listed building consent (reference 23/06565/LBC) has been submitted for the proposed demolitions and alterations of the listed structures on the site.

### **Supporting Information**

- Heritage and Townscape Assessment.
- Heritage Impact Assessment.
- Planning Statement.
- Design and Access Statement.
- Design Statement Addendum.
- Sustainability Form S1.
- Surface Water Management Plan.
- Site Investigation Phase 1.

- Bat Survey.
- Access Strategy.
- Noise Impact Assessment; and
- Waste Management Strategy.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeologist

Transport Planning

Historic Environment Scotland

Edinburgh World Heritage

Environmental Protection

New Town/Broughton Community Council

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 21 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:** 2

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

### **a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

The following Historic Environment Scotland (HES) guidance is relevant in the determination of this application:

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Demolition of Listed Buildings
- Managing Change: Setting

## **Character of Listed Buildings**

### **Use and Adaptation/Demolition**

The proposed development will result in the re-use of four listed buildings in sustainable, longer-term uses, with appropriate levels of adaptation and intervention.

The overall strategy involves sensitive re-purposing of the under-used upper floors, the introduction of new build elements that respect and complement the individual listed buildings and surrounding historic environment, and the creation of roof terraces for hotel guests providing views across the city. The supporting information is detailed and informative in terms of understanding the history and significance of the constituent buildings on this site and assessing the proposed demolitions, alterations, and extensions.

This approach is in keeping with the key principle of use and adaptation which is to retain a listed building in a use that has the least possible effect on the elements that make the building special. Even extensive alterations to a building will be better than losing the building entirely. This proposal includes selective demolition of one entire listed building and another distinct structure which is part of a larger, more significant listed building, as part of a comprehensive development to form a fully accessible hotel that is linked through above ground floor level. The following information demonstrates why this level of demolition is acceptable.

### Demolition of 40 Rose Street

In order to establish whether the proposed demolition of this building fulfils any of the above criteria, the proposal has been assessed against the four tests set out in the Historic Environment Scotland Policy Statement (HESPS) as follows:

Historic Environment Scotland's Managing Change publication "Demolition of Listed Buildings" states that the loss of a listed building is likely to be acceptable if one of the following situations apply and this is clearly demonstrated and justified:

- the building is no longer of special interest.
- the building is incapable of meaningful repair.
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community; or
- the repair and reuse of the building is not economically viable.

#### *Is the building no longer of special interest?*

The building is category C listed, dating from the earlier 19th or later 18th century, and is a possible remnant of the earlier phase of the First New Town. However, the structure has undergone significant rebuilding and numerous alterations which have left little original fabric and a disfigured profile to the building.

The construction at the rear of the building suggests that it was originally single storey with gable chimneys and (probably) no windows in the gable. Archive drawings for alterations in 1870 show that, by this time, the gables had been built up and windows had been added in the south elevation of the attic. The form of the roof is unclear, but it was probably still pitched with slates at the centre and flat at the edges with lead sheet covering (as per the details from Robert Kirkwood's 'Plan and elevation of the New Town of Edinburgh' of 1819 and Joseph Ebsworth's watercolour 'View west from the Scott Monument' of around 1845).

In 1933 the building was thoroughly remodelled in Art Deco style as the Black Cat Bar by Maclennan and Cunningham for the wine merchants, Fraser & Carmichael, as per the archive drawings of this date. The works included the removal of the slated pitched roof and installation of a flat asphalt roof. The gables were built up, the early window openings were either built up or expanded and there were significant internal alterations, involving the removal of almost all of the dividing walls. Further minor alterations were carried out in 1969, when the building was converted to a licensed betting office for Ladbrokes, and more extensive alterations were carried out by Ladbrokes in 1976, including the building up of the ground floor windows on the east elevation and installation of a new shopfront tiled shopfront. A final remodelling was undertaken by Ladbrokes in 1989 (the building's current appearance with only minor changes since).

The building today is therefore no longer of special historic or architectural significance. Historic Environment Scotland considers that a case can be made for demolition on the grounds that the building no longer meets the rigorous criteria for listing, based on the information provided, and does not therefore object to the demolition. As regards the salvage of materials, the stonework has been painted over for years and is too poor a condition to re-use in the proposed new building or elsewhere in the development.

*Is the building incapable of meaningful repair?*

No detailed information has been provided on the condition of this building as the issue of repair has not been put forward as a justification for demolition, so this question is not relevant.

*Is the demolition essential for significant benefits to economic growth or the wider community?*

This scenario does not apply to the proposed demolition, as the overall scheme is not of such economic or public significance that its benefits would outweigh the strong presumption in favour of retaining a listed building.

*Is the repair and reuse of the building economically viable?*

The case for demolition is being made primarily on the basis that the existing building is no longer of special historic or architectural interest. However, the retention of this building would not allow the same volume of development as proposed and this would have repercussions for the viability of the whole scheme.

#### Demolition of 38a Rose Street (former dairy)

This building is part of the listing for 70-71 Princes Street. The proposed demolition of this structure is assessed against HES's Managing Change publication "Use and Adaptation of Listed Buildings" rather than "Demolition of Listed Buildings", as the principal part of the listed building will remain.

Section 4 on page 13 of the "Use and Adaptation" guidance concerns 'selective demolition' which is "a different consideration from substantial demolition, which would involve the total or substantial loss of a listed building." 'Selective demolition' is described as involving "the removal, or demolition, of parts of a listed building in order to enable the significant parts of a listed building to be retained."



The former dairy at 38a Rose Street is a secondary part of the main listing and has been altered significantly in the past, notably the reconstruction of the upper floors in rendered brick. The precise date of the building is unclear, but John Ainslie's 'Plan of Edinburgh and Leith' of 1804 depicts an L-plan mews structure in the location of 38a Rose Street. This original building, depicted as single storey in Kirkwood's plan and elevation of the New Town of 1819, had become connected to the rear of 70-71 Princes Street by 1819, also as shown in Kirkwood's plan. This accords with the letting of the premises, i.e. 70-71 Princes Street and mews, around 1812 to a wholesale and retail tea and sugar merchant and likely extension of the original L-plan structure to form a back shop and warehouse.

For much of the mid and later 19th century, the shop was occupied by an ironmongery firm and whilst there is no known documentary evidence for reconstruction, it appears that the original mews building was removed and replaced with a four-storey structure as depicted in a detail from Joseph Ebsworth's watercolour, 'View west from the Scott Monument' of circa 1845. The current stonework in the pend is a random mixture of dressed and rubble sandstone, which suggests that the fabric of the original mews building was re-used in the new construction.

The next significant period in the development of 38a Rose Street was the acquisition of the main premises by the Edinburgh Café Company in 1885 for redevelopment, along with 15-19 Hanover Street. The scheme by Hippolyte Jean Blanc of 1886 included a new frontage to 70-71 Princes Street and the existing warehouse was kept with its lower storeys converted to a bakehouse and the second floor turned into a kitchen (as shown in archive drawings of the proposals). The Company also erected a small bridge structure from the warehouse into its premises at 15-19 Hanover Street. In 1928, the top (laundry) floor was reconstructed and heightened, and a further significant alternation was undertaken in 1953 when two additional storeys were added on the link structure between 70-71 Princes Street and 38a Rose Street. This extension was of cheap post-War construction comprising a steel framework, concrete floors, metal sheeting walls and glazing. Numerous further minor alterations have taken place in the late 20th and early 21st centuries, and the interior contains no significant architectural spaces or features.

The demolition of the former dairy structure is therefore justified, given that it is a secondary element of the principal listing of 70-71 Princes Street, and the fact that the level of alteration carried out from the mid-19th century is substantial to the extent that little remains of the original fabric. The only notable material remaining is the 19th century stonework on the front elevation (facing Rose Street), but this has been altered significantly with new openings and poor quality infills at ground floor level and repaired/patched areas throughout, also of poor quality. Whilst Historic Environment Scotland state a preference for the retention and reuse of the existing stone in the frontage of the replacement building, the poor condition of this fabric is acknowledged. In the revised scheme, a good percentage of the historic sandstone will be re-used in the construction of the ground floor facade facing the lane and on the pend at lower levels.

In summary, the demolition of the category C listed building at 40 Rose Street and former dairy at 38a Rose Street is justified in the circumstances described above and accords with Historic Environment Scotland's respective guidance on total and selective demolition. A condition has been applied to ensure that these structures are officially recorded prior to demolition.

### External Alterations

The overall strategy is to retain, restore and enhance the three principal listed buildings on the site, including the replacement of ad hoc additions with more appropriate extensions, rationalisation of the existing jumble of plant and gangways connecting these buildings at the rear, and introduction of new features and services that will enhance the functionality and energy efficiency of the buildings. The special historic and architectural interest of each individual building has been evaluated and the revised proposal will re-purpose each building in a manner that is sensitive and complementary to the unique character of each, as demonstrated below.

#### 70-71 Princes Street (Block 5)

This category B listed purpose-built tearoom for the Edinburgh Café Company, designed by Hippolyte Jean Blanc in 1886, is a distinct building within Princes Street due to its red Dumfriesshire sandstone construction, tall, narrow gable frontage, and unusual single, central recessed bay. The Edinburgh Café Company was established in 1880 specifically to promote the temperance movement in Edinburgh and opened a café at 88 Princes Street in that year, followed by the acquisition of 15-19 Hanover Street in 1895, then 70-71 Princes Street as a major expansion of their original Princes Street business.

The main past alteration to the building's façade is the removal of its original, elaborate shopfront, the date of which is unknown, but likely to be a 20th century alteration. The current shopfront is modern with a deep applied fascia and of no intrinsic value and has a negative impact on the building's architectural character as a result. The proposed replacement of this shopfront is acceptable in principle and the new shopfront is a modern interpretation of the original intricate design by Blanc (seen in an archive drawing from 1924). Whilst little remains of this historic shopfront, the surviving parapet is constructed in light buff stone, so the proposed tone for the new frontage is appropriate. As there is insufficient evidence to replicate the original design, the proposed contemporary version of Blanc's shopfront is acceptable and will reflect the general proportions of the arched openings which relate to the bays above. The use of a modern material is also fitting to mark the fact that the shopfront is new and will provide crisp detailing.

The demolition of the existing conglomeration of structures attached to the rear of the building (linking with the former dairy building at 38a Rose Street) will improve the appearance of the rear elevation, as these structures are poor quality and have been altered haphazardly over time. The proposed replacement link structure is low-lying and sensitively designed with glazed cupolas, so this will form a more elegant rear extension to the historic building.

Otherwise, the proposed external alterations to this building are relatively minor comprising replacement windows that form part of the associated application for listed building consent.

### 7-11 Hanover Street (Block 3)

This category B listed building was built in the late 1780s as the northern half of a pair of three storey tenements, with 3-5 Hanover Street adjoining to the south (outside the application site). Significant alterations have been made to the building (and its pair) over time, including additions to the front and rear. Kirkwood's 1819 'Plan and elevation of the New Town of Edinburgh' shows that, by this time, the outer bays of the double tenement had been converted to shops with arcaded shopfronts, and a two-storey warehouse had been constructed to the rear of both townhouses. The most significant changes were made in 1958-61, when the shopfront and interior were remodelled by Robert Hurd for the Three Tuns bar and restaurant, including the removal of the early 19th-century arcaded shopfront, and building over the basement area to accommodate a new projecting shopfront. A large bay window was added at first floor level soon afterwards, replacing the original three sash and case windows.

The proposed external alterations include a significant element of conservation gain through the reinstatement of the building's essential 18th century character, even if some of the detailing is a contemporary version of the original. The new shopfront will reflect the three bays of the façade above and is an appropriate design based on an historic photograph from 1880. As at 70-71 Princes Street, the use of a modern material is acceptable, and the proposed tone will restore visual homogeneity to the building's façade.

The removal of the 1960's timber bay window and reinstatement of the 18th century building line and individual six-over-six sash and case windows at first floor level of 7-11 Hanover Street will return the building to its basic original appearance. An objection has been raised to the proportions and detailing of the proposed windows, but these windows cannot be as large as those on the adjoining former townhouse at nos. 3-9 due to the level changes internally and this deviation is acceptable in these circumstances. Also, the windows have been elongated slightly in the revised scheme with added pediments to ensure that they are longer than those at second floor level to reflect the original hierarchy of windows. Whilst architraves were added to both townhouses forming the pair sometime in the 19th century (as seen in a photograph by George Washington Wilson of circa 1885), it would not be appropriate to include these on the new windows at nos. 7-11 as these are later features and the frontages would still not match.

To the rear, the existing rendered extension is a modern addition of no intrinsic architectural merit, so its replacement with a new extension is acceptable in principle. Whilst the proposed structure will be one storey higher than the existing extension, it is proportionate and subservient to the original building and finished in a contrasting material to distinguish the old from the new. Physical evidence shows that the rear roof pitch has been reconstructed, so the loss of the lower section of the pitch and existing dormer is acceptable to accommodate the required number of hotel suites and accessibility throughout this building and its neighbour at nos. 15-19. In the revised scheme, the rooftop terrace/lift overrun structure on the new extension has been reduced in height and detailed in an alternative way to ensure that it is discreet in any street or elevated views. This addresses HES's concerns regarding the visibility of this feature.

## 15-19 Hanover Street (Block 4)

The current 1920's building at 15-19 Hanover Street replaced the southern half of an 18th century symmetrical double tenement (part of the original First New Town). The northern half of this tenement survives in an altered form. In the early 19th century, the southern half of the former tenement was occupied by a carpet warehouse as well as a bookseller and auctioneer, Charles B Tait, who advertised auctions from his "Great Room", thought to be within the large structure to the rear of the current building at nos. 15-19 Hanover Street (shown on the Ordnance Survey Town Plan of 1853.)

The auction business closed in 1895, when the whole premises were purchased by the Edinburgh Café Company for expansion of their business at 88 Princes Street, before the acquisition of 70-71 Princes Street. In the same year, the Company created a small bridge from the warehouse at 38a Rose Street into the buildings at 15-19 Hanover Street, providing access to the auctioneers' Great Room (renamed the Oak Room) and to the tenement on Hanover Street. In 1898 the company commissioned Hippolyte Blanc to extend the existing Oak Room northwards into a space that had been occupied by an art gallery behind 21-27 Hanover Street and Blanc created an elaborate wood-panelled dining room within this extension.

Due to the decline of the temperance movement, the Edinburgh Café Company sold their premises at 70 Princes Street and 15-19 Hanover Street in 1922 to the caterer David Shiels Crawford who planned to open a series of tearooms. Crawford's vision was for the tearooms to be an "oasis of calm on bustling Princes Street" and to rival the elaborate tearooms in Glasgow. Crawford commissioned the architect A K Robertson to remodel the tenement facing Hanover Street and the building was reconstructed on an advanced building line around 1925 with reinforced concrete floors throughout. At the same time, a corrugated metal corridor was constructed over the Oak Room to connect to the kitchen in 38a Rose Street.

The interior decoration and furnishing of Crawford's Hanover Street and Princes Street premises were by the artist Robert Burns, an early exponent of the Art Nouveau style in Scotland. This project was his most famous and complete interior designs and featured painted panels for the tearooms/dining rooms at first and second floor level, which had panelled walls and decorative plasterwork ceilings.

In 1925, the back of the building was extended and rebuilt in rendered brick for additional service accommodation and a tunnel was created to link the basements of 38a Rose Street and 15-19 Hanover Street, including the Oak Room. Further alterations have been made to the building since, the most significant of these being the replacement of the original shopfront in the 1960s, formation of an internal electricity substation in 2017, and further remodelling of the shopfront in 2018.

The proposed external alterations are to create a sufficient level of hotel accommodation, facilities and services within this part of the development. A significant feature of the internal scheme is the creation of a new tearoom within the former tearoom at first floor level which will link through to a new tearoom space on the first floor of 7-11 Hanover Street. Another issue is limited street-level access due to the existing ground floor retail unit, which necessitates an alternative access to the upper levels. Also, the existing underground link from the basement of the retail unit to Rose Street Lane is an essential means of escape, so this needs to be maintained. The proposed rooftop extension and expansion of the existing rear extension will provide the required level of accommodation, ancillary spaces, and accessibility, including to the new tearoom, and the scale and design of these extensions are appropriate in terms of preserving the character of the historic architecture.

The proposed rooftop extension will sit discreetly between the existing, prominent chimney stacks and has a flat roof in keeping with the existing flat roof behind the slated mansard. In the revised scheme, the glazed frontage is set back further from the mansard eaves level and stepped to minimise visibility from public viewpoints. The external roof terrace will be enclosed by a simple metal railing with vertical balusters which will not be noticeable from street level or reflective from higher viewpoints. The sides of the proposed structure are finished in bronze coloured metal cladding to appear muted behind the sandstone chimney stacks and to ensure that the stacks remain visually prominent, with clearly legible silhouettes. The blue/green roof, although not a traditional roof finish for a building of this era, will not be perceptible in street or elevated views.

The existing rendered brick extension is not of intrinsic architectural merit with an irregular fenestration pattern and functional finish. The reconstruction of this element is acceptable in principle and the proposed blend and location of the external materials will add visual interest to the rear elevation, as well as minimising conspicuousness from elevated viewpoints due to the use of a predominantly darker finish on the upper levels. This will ensure that the modest addition to the existing envelope will have no adverse effect on the character of the listed building.

A further improvement will be the replacement of the existing utilitarian corrugated metal access gantry to the former dairy building at first floor level with a bronze metal clad/glazed link to the new building at 40 Rose Street.

## **Setting**

The setting of these listed buildings is defined by the surrounding buildings of the First New Town with Princes Street Gardens opposite and the Old Town and Edinburgh Castle on elevated ground across the Waverley Valley. The impact on this wider setting, including key listed buildings in the vicinity of the site, is explored in detail in the sections regarding the impact on the character and appearance of the New Town Conservation Area and Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site. However, the development will have an impact on the more immediate settings of the constituent listed buildings on the application site and other listed buildings within the block, although as demonstrated below, none of these impacts will be significant or harmful.

## New Buildings

### 38a Rose Street (Block 2)

Whilst the current building is part of the listing of 70-71 Princes Street, the proposed replacement structure will affect the setting of the principal building due to its larger scale. However, the replacement building will not be visible behind 70-71 Princes Street from street level or visually intrusive in elevated views of the principal building. This is due to its sensitive design, which echoes the tall, gabled form of the existing structure and the choice of appropriate materials and careful positioning, refined in the revised scheme to minimise the building's visibility in the immediate and wider historic environment. The façade facing Rose Street South Lane includes contemporary versions of the existing stone-built façade and rhythm of openings at ground floor level, using sandstone salvaged from the historic structure, and has a clear vertical emphasis. These elements evoke the former dairy which was a significant element of the rear setting of 70-71 Princes Street. A condition has been applied to ensure that the stonework detailing reflects that of the existing ground floor facade.

### 40 Rose St (Block 1)

The proposed five storeys replacement building is significantly higher and deeper than the current single storey structure, so will have an inevitable impact on the immediate and wider setting of the adjacent listed building at 23-29 Hanover Street and the other listed buildings nearby. However, Kirkwood's 1819 elevation plan shows that 40 Rose Street was smaller than the buildings in the equivalent locations within Rose Street and Thistle Street - the subsidiary streets of the First New Town - and all the surviving buildings in the equivalent locations are taller. The main part of the proposed building is in keeping with the eave's height of the Rose Street section of its neighbour (23-29 Hanover Street) and the penthouse storey will be set back and finished in a dark-toned material to ensure that it will be unnoticeable from street level views. A flat roof form is acceptable in this context where the historic roof pitches are typically shallow. The predominant external construction material in buff-coloured multi brick and the fenestration proportions and rhythm will reflect a traditional tenement in the First New Town whilst being distinctly modern to ensure that there is no confusion with historic examples.

The rear portion of this new building, whilst clearly higher and more extensive than the existing structure at 40 Rose Street will not encroach on the rear settings of the listed buildings within this block to any adverse extent.

## Extensions to Existing Buildings

The proposed extensions are moderate in scale compared to the existing structures attached to the listed buildings and will rationalise the existing mix of ad hoc extensions of varying architectural quality. Only minor changes will occur in terms of the existing level of visibility of the rear elevations of the original buildings and the range of materials to be used in the new extensions is appropriately high quality and complementary to the historic construction materials. The overall immediate rear setting of the listed buildings within this block will be preserved and enhanced as a result.

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

The proposed works will respect and reinvigorate these listed buildings through sensitive adaptation in an appropriate range of uses. The re-purposing of the currently under-used spaces above ground floor level will contribute positively to the upkeep of these areas which have deteriorated in condition. The scheme will also reintroduce a modern version of the historical link between 70-71 Princes Street and its former annex building to the rear, acknowledging an important element of the site's past development.

Due to the restrained scale, appropriate massing and careful detailing of the proposed alterations, extensions and new buildings, the proposed development will have no detrimental impact on the character of the listed buildings, their settings, or the settings of other listed buildings in the vicinity. The level of associated demolition proposed is acceptable and confined to the minimum necessary to achieve the key aim of preserving the principal listed buildings on this site.

Conditions have been applied to ensure that the specifications for all the proposed external materials are appropriate.

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

### **Character and appearance of conservation area**

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

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

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *"Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area."*

The key aim of the proposed development is to focus on the preservation and enhancement of the principal listed buildings facing Princes Street and Hanover Street, given that previous alterations have diminished their historic and architectural integrity to some extent. The rear of the buildings, including later additions, are of significantly less architectural quality than the facades and are not in keeping with the original street hierarchy of the First New Town. The various extensions have evolved in a haphazard manner to service the commercial uses of the buildings on the primary streets and these structures are utilitarian and low in architectural quality.

## Uses

The character and appearance of this block between Princes Street, Hanover Street and Rose Street will be preserved and enhanced through the sensitive re-development of some of the constituent listed buildings in sustainable and viable uses. The principal hotel use is in keeping with the historic development of Princes Street and the adjoining streets in the 19th century during which many hotels were formed through the adaptation, conglomeration, and extension of the original 18th century townhouses. The retention of retail or café/restaurant use at ground floor level will continue the tradition of shops and other non-residential uses that started to emerge after the earliest phases of the First New Town, often within altered and extended ground floor premises.

## Demolitions

As detailed in section a) the two structures to be demolished at 40 Rose Street and 38a Rose Street have been altered to a significant degree and in an unsympathetic manner to the extent that their demolition is justified. These buildings do not contribute positively to the character or appearance of the conservation area, so their removal is acceptable in principle.

## Alterations and Extensions to Listed Buildings

The proposed development will have no impact on the historic plan form of this block. The proposed rooftop addition to 15-19 Hanover Street and redeveloped rear extensions to this building and its neighbour at 7-11 Hanover Street will be inconspicuous in terms of the character or appearance of the First New Town as it is defined today. This is due to modesty in scale and sensitive design using appropriate materials.

The proposed alterations to the facades of the listed buildings comprise the replacement of functional modern shopfronts with contemporary interpretations of the historic versions, and the removal of the later projecting bay window at 7-11 Hanover Street and restoration of the first-floor frontage to as close to the original pattern as possible. These alterations will enhance the appearance of the individual buildings as well as the street frontages of the block.

## New Buildings

The proposed structures at 40 Rose Street and 38a Rose Street, whilst larger than the existing buildings (significantly in the case of 40 Rose Street), are carefully massed, proportioned and detailed to avoid altering the essential hierarchical urban plan form of the First New Town or interfering with its important vistas and views to any detrimental extent, even although existing views from street level and elevated locations will change.



## 38a Rose Street (Block 2)

As stated above, this new structure will respect the essential characteristics of the former dairy building in terms of its tall, gabled form and clear vertical emphasis. The proposed grey/brown brick for the elevations will evoke the warehouse character of the existing structure and bronze metal cladding is an appropriate contemporary material within the mixed palette of the First New Town in its evolved form.

## 40 Rose St (Block 1)

The previous section notes the atypical single storey scale of the existing building at 40 Rose Street, and fact that the significantly higher and deeper replacement building will have an inevitable impact on its surroundings. However, the proposed higher building, which aligns at eaves height with the adjoining historic tenement, is an appropriate addition to the New Town Conservation Area, as it will preserve the essential urban form and rhythmic, vertically aligned architectural language. The predominant elevation material of buff-coloured multi brick will blend well with the sandstone facades of the historic buildings in the area, whilst setting the new build visually apart from the old.

## Views

To demonstrate the impacts of the proposed development on the character and appearance of the New Town Conservation Area, verified views of the constructed scheme have been produced from a series of key vantage points. The Edinburgh Design Guidance and supplementary view study set out key views. In this case, the relatively enclosed nature of the site along with the restrained height and appropriate detailing of the new build elements and extensions to the retained buildings will result in minor changes only to the townscape in Views C01b: Castle Lower Ramparts, C02c: Ramsay Lane and Castlehill and C03b: Milne's Close. Also, as the site is largely screened from the surrounding streets by existing buildings and the new structures will not be significantly taller than the neighbouring buildings, the impacts on the long and panoramic view cones will be negligible.

*Viewpoint 1: from the junction of Hanover Street and Princes Street looking north-east towards the site.*

The proposed roofscape will preserve the predominantly horizontal, stepped nature of the existing roofscape and only a limited area of the new rooftop extension to 15-19 Hanover Street will be visible between the large chimney stacks. The darker tones of side elevations of this extension will ensure that the chimney stacks will continue to form bold punctuations in the roofscape. Any minor impact will be balanced out by the removal of the existing projecting timber bay window at first floor level at 7-11 Hanover Street and reinstatement of single windows to the original opening pattern, along with the installation of a more appropriate shopfront.

*Viewpoint 2: from the junction of Rose Street North Lane and Rose Street looking south-west towards the site.*

Whilst the level of change is significant from this location, the proposed new buildings at 40 Rose Street and 38a Rose Street will not have a negative impact on the character or appearance of these secondary streets of the First New Town.

Rose Street's lanes are backland in character, where the design and materials of the constituent buildings have traditionally been of lower quality than those of Rose Street. Within Rose Street itself, a street of lower standing within the architectural hierarchy of the First New Town, significant developments have occurred over the years, including the introduction of buildings of substantially larger scale than the historic buildings. The proposed new structures at 40 Rose Street and 38a Rose Street are not, therefore, out of keeping with their immediate surroundings. As with the recent Premier Inn hotel development at 24 Rose Street, the scale of the existing buildings on the respective sites will increase but the form, design and materials of the proposed new buildings will preserve and even enhance the existing street scene.

*Viewpoint 3: from the north-west corner of the junction of Hanover Street and Rose Street looking south-east towards the site.*

Only the east flank of the new rooftop extension to 15-19 Hanover Street is conspicuous in this view and any minor impact will be balanced out by the positive alterations to the façade of 7-11 Hanover Street. Also, from this location, the existing building at 40 Rose Street is incongruously out of scale with the flanking buildings, so the proposed higher structure on this site will improve the appearance of Rose Street, as in Viewpoint 2.

*Viewpoint 4: from the west side of Hanover Street looking directly east towards the site.*

The glazed façade of the proposed rooftop extension at 15-19 Hanover Street will be unnoticeable behind the existing three dormers, so the visual impact of the development from Viewpoint 4 will be minimal and will include the positive impacts of the façade improvements to 7-11 Hanover Street.

*Viewpoint 5: from the Castle Ramparts looking north-east across West Princes Street Gardens towards the site.*

In this distant, elevated view of the site, only landmark historic buildings, large-scale modern structures, and church spires really stand out, such as the Royal Scottish Academy in Princes Street Gardens, the former British Homes Stores/Premier Inn development, and the spire on St Andrew's and St George's Church in George Street. Whilst the upper storeys of the proposed new-build elements will be visible from Viewpoint 6, the overall heights, architectural forms, and materials palettes have been refined to ensure that these structures not be prominent within the immediate or broader cityscape. The new building in place of the former dairy will rise slightly above the surrounding buildings, but its rear location, pitched roof and dark palette on the top storey will integrate the building into the broader context in an unobtrusive way. Also, the added height in this location will conceal the featureless gable of the former BHS building, thereby improving the appearance of the overall streetscape. Whilst the former department store is a category B listed building, its west gable is utilitarian in form and not complementary to the historic townscape from this viewpoint.

*Viewpoint 6: from the corner of Ramsay Lane and Mound Place looking north towards the site.*

This is a channelled view through buildings on either side of the street with particular buildings standing out, notably the National Gallery and Royal Scottish Academy, and the spire of St Andrew's and St George's Church in George Street. 70-71 Princes Street is also prominent in this view due to its front-on red sandstone façade, whereas the buildings at 7-11 and 15-19 Hanover Street are visible at a very oblique angle. From Viewpoint 6, The rooftop extension at 15-19 Hanover Street is largely obscured by the existing broad chimney stack and neither the proposed rear extensions, nor the new build structures at 40 Rose Street and 38a Rose Street obscure any key elements of this view.

*Viewpoint 7: from New College Steps at Milne's Court looking north towards the site.*

This view is a version of Viewpoint 6, but from further east, and the visual impact of the new structure at 40 Rose Street on the rear elevations of the buildings on the south side of George Street is similar.

*Viewpoint 8: from West Princes Street Gardens, at the junction of the Mound and Princes Street, looking north-east towards the site.*

This view is similar to Viewpoint 1, but from further away taking in the corner of the Royal Scottish Academy building, the significantly altered former townhouses at the corners of Princes Street and Hanover Street, and the top of the spire of St Andrew's and St George's Church in George Street. As in Viewpoint 1, the proposed changes will only have a minor impact on the townscape from this location. The broad mutual chimney that punctuates the roofscape between 7-11 and 15-19 will remain a prominent visual feature of the street. The top of the spire of St Andrew's and St George's Church will remain unobstructed by the development.

*Viewpoint 9: from Mound Place looking north across the National Gallery of Scotland and the Royal Scottish Academy towards the site.*

This viewpoint is similar to Viewpoint 6, but from lower down the Mound where the view opens up more widely and the proposed extensions and new buildings are less visible over the existing street-facing buildings. The proposed building at 40 Rose Street will conceal a limited upper section of the rear elevation of 22 George Street, but this is not an intrinsically important element of the conservation area that needs to remain visible. The height, form and materials of the new structure are appropriate in terms of preserving the character and appearance of the roofscape and rear area between this section of George Street and Rose Street. The bronze toned roof of the replacement building at 38a Rose Street will be seen above the slate roof of 70-71 Princes Street from Viewpoint 9, but will be inconspicuous in its dark tone and pitched form against the existing urban backdrop, and will not block any significant features of the building behind on George Street.

## Materials

The proposed mixed materials palette is appropriate within the First New Town's diverse palette of external facades and will complement the historic fabric whilst maintaining a clear but subtle visual separation between the historic and new fabric. Special care has been paid to the choice, tone, and placement of materials at the upper levels to ensure that these most visible sections blend successfully into the general roofscape. The blue/green roof of the new rooftop extension to 15-19 Hanover Street will not be visible from any key viewpoints.

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

The proposed uses will complement and enliven the established uses of the First New Town and contribute to the upkeep of the listed buildings on this site, particularly on the upper floors which are currently underused. The external alterations, extensions and new buildings as refined in the amended scheme will preserve and enhance the character and appearance of the New Town Conservation Area through sensitive, high-quality design and appropriate scale and detailing. At the same time, the diverse range of materials and finishes of each new build element will retain architectural distinctiveness and individuality, which is a strong characteristic of the current site. As a result, the existing views of the site from key street and elevated locations will not change to any extent that would affect the essential appearance of this block and the surrounding area.

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

## **b) Compliance 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 policies to be considered are:

- NPF4 city centre Policy 27
- NPF4 climate and nature crises Policies 1, 2, 3a), 3c), 9d) and 12
- NPF4 historic assets and places Policy 7a), 7b) c), d), h), j), l) and o)
- NPF4 successful places Policy 14
- NPF4 infrastructure Policy 13b)
- LDP delivery Policy Del 2
- LDP employment Policy Emp 10
- LDP retail Policies Ret 1, Ret 9 and Ret 11
- LDP environment Policy Env 16
- LDP design Policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP transport Policies Tra 2, Tra 3 and Tra 4

The City Centre Shopping and Leisure Supplementary Guidance is a relevant material consideration when consideration the LPD retail policies.

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

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

## Uses

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP). LDP Policy Del 2 guides development in the city centre, stating that development will be permitted which, "retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city".

The proposed development meets the criterion of Policy Del 2 which requires a mix of uses within city centre developments appropriate to the location of the site and is in keeping with NPF4 Policy 27 which supports development proposals that enhance and improve the vitality and viability of city centres.

LDP Policy Emp 10 permits hotel development in the city centre where it may be required to form part of mixed-use schemes, if necessary to maintain city centre diversity and vitality. Given the major commercial and tourism role of Princes Street and the adjacent streets and the accessibility of this site via sustainable means of transport, hotel development is acceptable in principle. The hotel use will support the other commercial uses (retail and café/restaurant) proposed on the site and the existing surrounding uses, and the total number of bedrooms proposed is appropriate to the physical constraints and heritage sensitivity of the site.

The range and balance of uses proposed will complement and support the existing tourist and commercial uses characteristic of the First New Town and the redevelopment of these important listed buildings in appropriate and sustainable long-term uses will enliven the whole block. Whilst there will be a net loss of retail floor space, if the upper floors currently used for retail storage are included in this calculation, the proposed uses are consistent with the retail policy intentions set out in LDP Policy Ret 1 in terms of sustaining and enhancing the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities.

Policy Ret 9 presumes against changes of use in the city centre retail core which would undermine the retailing function of the area, and the proposed development is likely to have the opposite effect by introducing hotel use into the under-used upper floorspaces which will support the existing city centre retail uses. The ground and basement floors will remain in retail or café/restaurant use which will complement the existing retail function and other commercial uses of the city centre. Only the ground floor unit of 70-71 Princes Street is currently in retail use and the proposed restricted Class 3 (café) use complies with Policy CC 1 in the City Centre Shopping and Leisure Supplementary Guidance regarding the change of use of shop units to non-shop uses within the defined frontage of 47-77 Princes Street.

The criteria of LDP Policy Ret 11 have been considered in the assessment of the proposed Class 3 use (tearoom) at first floor level within 15-19 and 7-11 Hanover Street. This is a busy city centre location in which there are many existing cafes and restaurants, and there are no residences in proximity to the development. The same applies to the proposed restricted Class 3 (café) use at 70-77 Princes Street.

The development is acceptable in principle as it will sustain and enhance the city centre and its various roles including retail, commercial leisure, and tourism-related activities, in compliance with NPF4 Policy 27 and LDP Policies Del 2, Emp 10, Ret 1, Ret 9, and Ret 11.

### **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 development is in accordance with NPF4 Policies 9d) and 12 in terms of re-using existing buildings in appropriate, alternative uses and limiting demolition to relatively small structures which are not readily usable in their current state. Also, the construction materials of the buildings to be removed are generally of lesser quality or in poorer condition than those of the sandstone constructed principal buildings to be retained, and any stone that is salvageable will be re-used in appropriate locations.

The proposed scheme takes a fabric first approach that will include a high-performance thermal envelope that reduces energy demand to heat and cool the building. Passive design measures have been incorporated to reduce energy demand for heating, cooling, ventilation, and lighting, including rainscreen cladding, self-supporting facade elements to reduce secondary steel and thermal bridging, generous-sized double-glazed windows and glazed cupolas, mechanical ventilation with heat recovery (MVHR) and electric heating, and air source heat pumps (ASHPs). The proposed materials are sustainable (BRE/FSC certified), including brick, aluminium and locally sourced oak and larch. This is in accordance with NPF4 Policy 2c) which supports proposals to retrofit measures to existing buildings that reduce carbon emissions.

Measures are included in the scheme that follow the submitted Surface Water Management Plan to mitigate against future flooding events and local surcharge, the key element being the use of a blue/green roof and grey water storage system that will limit the impact of the development on existing storm water infrastructure. The grey water storage tanks will be located in the basement of the new building at 38a Rose Street, and this water will provide flushing for the WCs. Any areas of paving on the roof terraces will be permeable.

The city centre location of the site, within easy walking distance of retail and food and drink premises and a range of public transport modes (bus, tram, and rail) is in keeping with NPF4 Policy 2a) and 2b) regarding the siting of development in sustainable places. Also, active travel is promoted through the provision of secure, internal parking spaces for staff and external racks for visitors.

A further sustainability measure will be the provision of a dedicated recycling bin area within the development. The Waste Management Strategy submitted confirms that waste from the hotel and commercial units is to be transferred to an authorised waste contractor and collection will be via the Rose Street South Lane bin store entrance.

The submitted sustainability (S1) form demonstrates that the development will comply with the relevant Building Standards.

The development will therefore be sustainable, in accordance with NPF4 Policies 1, 2, 9d) and 12.

### Flooding and Drainage

The site is not within a flood risk area as identified in the SEPA online flood maps.

The applicant has provided the relevant surface water management plan for the site as part of the self-certification process. A total of 68.1% of the total roof area as developed will be treated and attenuated up to a 200-year storm event. Foul water will be discharged via the existing connection to the public combined sewer in Hanover Street and Princes Street as per the existing arrangement.

The proposed drainage systems will connect to the public sewer system and the applicant is in discussion with Scottish Water regarding capacity in the current network. A condition has been applied requiring the applicant to provide confirmation that Scottish Water accepts the proposed surface water discharge to the existing network prior to construction.

The proposals satisfy the Council's Flood Prevention requirements.

### Biodiversity

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

In consideration of NPF4 3 Policies 3a) and c) there are no opportunities to enhance biodiversity through this proposal in terms of tree planting or significant green landscaping due to the dense urban structure. However, the two blue/greens roofs proposed should encourage biodiversity and a condition has been applied to ensure that the proposed planting specifications are appropriate in terms of maximising the opportunity to support biodiversity.

LDP policy Env 16 states that development will not be permitted which will be detrimental to the maintenance of protected species.

The submitted Bat Survey includes the findings of an inspection in June 2023 that suggested that overall roost potential was moderate, although there was no direct evidence of any past or present use by roosting bats. However, due to the potential for roosting, the survey recommends conducting a series of bat presence/absence surveys should between May and August 2024 to confirm whether any roosting bats are present. A condition has been applied accordingly.

The proposal accords with the overall objectives of NPF 4 Policy 3a) and c) and LDP Policy Env 16.

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

The development will result in the sustainable redevelopment of the site, including the retention and reuse of an existing listed buildings, upgraded to meet modern environmental standards. The development, as a whole, will be highly energy efficient with a focus on carbon reduction, surface water management and active travel. The site is on major public transport routes, providing convenient access using sustainable travel modes.

Due weight is placed on climate mitigation and adaptation in accordance with the principles of NPF4 and the proposals will contribute to climate change mitigation in the short and longer term.

### **Historic Assets and Places**

The proposed scheme complies with the key principles of NPF4 Policy 7 in terms of the re-use and rejuvenation of vacant listed buildings in sustainable and productive uses, as well as using this change as a catalyst for the regeneration of vacant and under-used parts of Princes Street and the adjacent streets. The buildings will be significantly improved in terms of environmental performance and resilience to climate change and the principal historic rooms will be opened up for public access, along with the impressive views outwards towards the Mound and the Old Town.

This development has been informed by a thorough understanding of the architectural and cultural significance of the buildings and their settings and will secure the longer-term future of the buildings in appropriate uses, in keeping with NPF4 7a).

#### Character and Setting of Listed Buildings

This has been assessed in section a). In this case, there are exceptional circumstances that justify the proposed demolition of the listed building at 40 Rose Street and the former warehouse which forms part of the listing for 70-71 Princes Street, in accordance with NPF4 Policy 7b). The proposals also comply with NPF4 Policy 7c) with respect to the alteration or extension of listed buildings, or works that impact on their settings, as the development will have no adverse effect on the buildings' special historic or architectural character.

#### Character and Appearance of Conservation Area

This has been assessed in section a). The proposals comply with NPF4 Policy 7d) as the character and appearance of the New Town Conservation Area will be preserved and enhanced.

#### Scheduled Monument

Edinburgh Castle, a scheduled monument, is located to the south-west of the site. The proposed development will have no impact on any public views on this scheduled monument or the integrity of its setting, in accordance with NPF4 Policy 7h).

#### Designed Landscape

The site is located within the New Town Gardens Designed Landscape which comprises an internationally recognised series of 18th and 19th century town gardens, squares and walks.



The proposed development is of appropriate scale and sensitive design, in keeping with the city centre townscape and will have no detrimental impact on the historical and landscape interest of the designed landscape, in accordance with NPF4 Policy 7j).

### Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site is 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.

NPF4 Policy 7i) guards against development proposals that would not protect and preserve a World Heritage Site or its setting. As assessed in sections a) and b), the revised scheme will not harm the qualities which justified the inscription of the World Heritage Site, including the contrasting urban styles of the Old and New Towns, the constituent historic buildings and the iconic skyline.

The view assessment in section b) is informed by the ICOMOS guidance on Heritage Impact Assessments and a range of key street and elevated viewpoints illustrate that the development will have no adverse impacts on the hierarchy of streets within the First New Town as it exists today. In Hanover Street there are disparities in height between the older tenements and taller replacement buildings, including those constructed in the 19th century. The 1880s' building at 70-71 Princes Street is four storeys high with a vertical emphasis, in contrast to the original terraces of the First New Town, which were homogenous in height and horizontal in alignment. Beyond the site, there are significantly taller historic buildings at the eastern end of the same block (including the former Jenners store) and to the north of the site at 10 George Street.

The site forms part of the backdrop to views from the Old Town to the New Town and none of buildings on Hanover Street or Rose Street, as originally constructed, were intended to be the focal point of any vistas. The current buildings on the site within these streets remain as background structures and the proposed development will not change this situation. Only landmark buildings with towers, domes or spires projecting above the general roofscape, or of significant scale (such as the Royal Scottish Academy and National Gallery) will continue to stand out.

Historic Environment Scotland recognises that whilst the scope of change proposed will mean some impacts on the existing roofline, these will not be significant.

In terms of obscuring parts of the buildings on Queen Street, the roofscape of this street is not visible from any of the Old Town viewpoints that include the development site. Any other parts of historic buildings that the proposed structures will obscure in elevated views are non-significant, including sections of rear elevations.

Within Rose Street, the 'canonised' view is not a new phenomenon and the narrow width of the street between St David Street and Hanover Street, along with the original three storey buildings on the south side, always had a tendency to create a canyon effect. This became more pronounced as the street developed, particularly in the 20th century and in more recent years, so the proposed development will not change this situation to any significant extent.

The development will preserve the special interest of the listed buildings and the character and appearance of the First New Town, so will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with NPF4 Policy 7l).

### Archaeological Remains

The site lies within an area of archaeological significance in terms of location within the historic New Town and the proposals affect individual listed buildings, including the complete demolition of 40 Rose Street and removal of a significant part of 70-71 Princes Street (under 38a Rose Street).

On this basis, a programme of historic building recording is required to be undertaken prior to demolition/alterations and other development works to provide a detailed record of these buildings and to protect and conserve important historic fabric. In addition, a provision for public/community engagement during this programme of archaeological works should be put in place.

A condition has been applied to ensure that a comprehensive programme of archaeological work is undertaken, incorporating the above requirements. This is in accordance with NPF4 Policy 7o).

### **Conclusion in relation to Historic Assets and Places**

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

### **Design, Quality and Place**

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

### Sense of Place

The proposed development will create a distinguishable hotel which is rooted in the original architecture and historical development of the buildings, in particular the notable period in which the key listed buildings were in use as tearooms. This will be achieved through the interrelationship between the retained and re-purposed historic structures and visually interesting new extensions and buildings which will be linked right through at first floor level. Public access to the new tearoom will further enforce a sense of place as this will be an attractive social destination. This overall concept is in accordance with LDP Policy Des 1.

The design of the scheme will also allow for flexibility and adaptability, so the buildings can accommodate changing city centre uses over time.

## Architecture and Materials

The key design concept is based around re-purposing the key listed buildings, in particular, the conversion of the vacant and under-used spaces above the existing retail and restaurant uses at ground floor/basement levels to hotel use. This will meet the principles of sustainable design through the efficient use of resources and investment in the long-term value of the buildings which will have a positive impact on the future development of other buildings within this block and in the wider Princes Street area.

The architectural massing, heights, forms, and styles proposed draw upon the positive characteristics of the site and surrounding area, in compliance with LDP Policy Des 3, and the new buildings follow clear precedents of vertical extensions in and around Hanover Street. The proposed heights respond to the level east-west and steep north-south topography of the New Town and respect the relative heights of the surrounding buildings, whilst providing the degree of elevation necessary for views across the city and Firth of Forth to the north-west. Another key feature of the design is the replacement of the existing ad hoc extensions to the rear, including plant areas and gangways, with a series of considered additions that establish a distinct architectural language to the backland area that also reinforces the individuality of each building and does not dominate the site or townscape. This fulfils the policy objectives of LDP Policy Des 4.

The proposed materials palette draws inspiration from the various sandstone, brick, metal-clad and glazed elevations of the existing buildings in Rose Street for the remodelled rear extensions and new buildings but adheres to the more conservative palette of Hanover Street for alterations to the facades of 7-11 and 15-19 Hanover Street. This will ensure that the development integrates well into the established townscape. A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing and precise finish/tone.

A more attractive and safer space for people, especially women, will be created by improving the cluttered and non-active section of Rose Street South Lane that runs along the east side of 40 Rose Street and introducing new buildings with hotel bedrooms overlooking the lane. No details of the proposed lighting scheme have been included with this application, so a condition has been applied to ensure that the proposed fixtures and fittings are appropriately located and detailed.

## Accessibility

The development will contribute positively to urban vitality and will provide convenient and accessible pedestrian access, and facilities for cyclists will encourage active travel, in accordance with LDP Policy Des 7. This is addressed further below.

The site is well served by various modes of public transport, so the proposed development is within a sustainable location and no car parking will be provided.

The extent of level access within the development is acceptable, given the changes of level between the constituent buildings and need to avoid harmful alterations to the listed buildings or their settings.

Hotel bedroom windows will provide natural surveillance for pedestrians in the area, especially at night. Currently, the upper floors of these buildings are vacant or used for shop storage, so there is no significant occupation after trading hours.

### Residential Amenity

There are no residential properties in proximity to the development and the proposed uses are appropriate within the commercial city centre.

The Noise Impact Assessment (NIA) submitted concludes that the Council's plant noise assessment criterion NR25 will be met, given that there are no residential properties within a 25-metre radius of the proposed mechanical services plant area. Also, noise levels from the proposed roof terraces on the Hanover Street and Rose Street buildings will lie within the guidance noise criteria range (shown on Table 6.2).

Environmental Protection raises no objections to the proposals, on the basis that conditions regarding ventilation details and implementation, plant noise, cooking operations and site contamination are applied. A restriction to the cooking equipment is required for the proposed Class 3 use within the ground floor commercial unit at 70-71 Princes Street and for the ancillary tearoom to the hotel at first floor level within 7-11 and 15-19 Hanover Street. This is to ensure that cooking odours will be adequately controlled within these premises to have no significant detrimental impact on surrounding odour sensitive rooms or properties.

On this basis, the development will not lead to an unacceptable loss of amenity for any residential properties in the wider area, in accordance with LDP Policy Des 5.

### Transport, Parking and Servicing

The development will not generate significant levels of traffic, given its city centre location close to sustainable modes of transport, and inclusion of facilities for cyclists which will encourage active travel. This complies with the objectives of NPF4 Policy 13b).

Informatives have been added recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel and regarding tram safety during construction.

#### Cycle Parking

The cycle parking provision complies with the applicable design standards specified in the Edinburgh Design Guidance and Cycle Parking Factsheet, to an acceptable extent, given the constraints of this site in terms of available floor space at street level and heritage sensitivities. This meets the requirements of LDP Policy Tra 3.

The number of secure internal spaces for staff complies with the six required and these will be on single-tier Sheffield type stands with sufficient space for non-standard bikes at either end of the run (20% of the total off-street provision).

Zero car parking provision is acceptable as there is no minimum standards within Controlled Parking Zone 01A.

## Servicing

Deliveries and waste collection will be as per the existing arrangement, albeit intensified by the proposed hotel use. There is a 20-mph speed limit on the road network around the site which will contribute to road safety for pedestrians and cyclists, and a swept path analysis has been undertaken to show that vehicles will be able to move safely through the site and connect to the surrounding road network.

### **Conclusion in relation to Design, Quality and Place**

The development is in accordance with NPF4 Policy 14 in terms of improving the quality of this urban area and being consistent with the six qualities of successful places, and complies with the relevant LPD policies on design, transport, and delivery.

### **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. The scheme provides accessible access to all users of the development and two accessible hotel bedrooms.

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 objections*

- the demolition of 40 Rose Street erodes the original hierarchy of buildings and further depletes the dwindling survivals of this era.
- too much as 'facadism' where little consideration has been given to a more reparative approach to historic building conservation.

- the addition of a floor to the top of 15-19 Hanover Street, set back behind railings is not appropriate and will change the scale, massing and appearance of the building and the street.
- the architecture for the central core is too tall, too 'blocky' and heavily massed, and the streetscape when viewed from the Old Town will lose the multiple layering of built heritage.
- the proposed building at 38a Rose Street will be conspicuous behind the facade of 70-71 Princes Street and will block a glimpse of the slated roofs of Queen Street behind, and engineered stone elevations are not appropriate.
- the proposed new building at 40 Rose Street will contribute to the progressive 'canonisation' and degradation of the area - the new building should be lower than its neighbour, with a pitched and slated roof and no attic storey; and
- there is potential for conflict with active travel routes and modes and frequency of movements in terms of customers and deliveries.

*The impacts of the proposed demolitions, alterations and new buildings on the historic environment are assessed in sections a) and b) (under sub-heading Historic Assets and Places) of the assessment. These are judged to comply with the relevant NPF4 and LDP policies.*

*Safety for pedestrians and cyclists around the site is assessed in section b) of the assessment under sub-heading Design, Quality and Place (Servicing). This is judged to be at any acceptable level in the context.*

#### *general comments*

- the reinstatement of the original windows to the first floor of 7-11 Hanover Street is supported, but the windows may have been longer and had pediments at this time; and
- the stone cladding at 7-11 Hanover Street should be chosen to match the surviving stone of 7-11 Hanover Street and should be done in consultation with British Geological Survey or an organisation with similar expertise.

*These issues are addressed in section a) of the assessment. A condition has been added to ensure that all external construction materials are appropriately specified and detailed.*

#### *support comments.*

- the re-use of the former tearooms and under-utilised upper floors for hotel use, and the retention of active frontages on Hanover Street and Princes Street are positive elements of the scheme.

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

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

### **Overall conclusion**

The proposal is acceptable with regard to Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the

special historic and architectural interest of the listed buildings and their settings. The character and appearance of the conservation area will be preserved and enhanced.

Overall, the development is in accordance with the development plan. The revised scheme will deliver a sustainable and well-designed hotel development with active uses at street level. The proposals include design features that will contribute to climate mitigation and adaptation, as well as encouraging biodiversity. The development will support the existing mixed uses surrounding the site and is consistent with the six qualities of successful places as set out in NPF4. The design draws on the unique historic and architectural characteristics of the site and will create a new sense of place.

Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the sensitive redevelopment of under-used listed buildings in appropriate uses that will contribute to the regeneration of Princes Street and the surrounding area.

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. No demolition or development shall take place on the site until the applicant has submitted a proposed programme of archaeological work (historic building recording, public engagement, interpretation analysis and reporting, publication) which has been approved in writing by the Planning Authority, having first been agreed by the City Archaeologist. The applicant shall implement the approved programme of archaeological work, before and during construction works. The report of the findings/recordings shall be submitted to and approved in writing by the Planning Authority, having first been approved by the City Archaeologist.
3. A detailed specification, including trade names where appropriate, and sources of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before any of these materials are used on site. Note: samples of the materials may be required.
4. Details of the salvaged stonework construction for the ground floor elevation of the new building at 38a Rose Street shall be submitted to and approved in writing by the Planning Authority before work is commenced on this element of the frontage.

5. Details of the proposed planting for the blue/green roofs shall be submitted to and approved in writing by the Planning Authority. The approved planting scheme shall be fully implemented within one month of the completion of the development.
6. Prior to construction, the applicant must provide the Planning Authority with written confirmation that Scottish Water accepts the proposed surface water discharge to the existing network.
7. A series of bat presence/absence surveys shall be carried out between May and August 2024 to confirm whether any roosting bats are present. The results of these surveys must be submitted to the Planning Authority without delay after each survey. If any evidence of roosts are found all work in the affected areas must pause with immediately effect and the applicant must inform the Planning Authority and seek advice from NatureScot. Work should not recommence without the written permission of the Planning Authority.
8. Details of the proposed external lighting strategy, including the proposed fittings and locations, shall be submitted to, and approved in writing by the Planning Authority before any external light fittings are installed.
9.
  - i) Prior to the commencement of construction works on site:
    - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
    - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
10. The ventilation details as shown in drawings RPS-RYB-XX-00-DR-M-57001 dated December 2023, RPS-RYB-XX-00-DR-M-57002 dated December 2023 and 20757-FJA-00-EL-DR-A-PL25 Rev P05 and dated 05/02/24 for 7-11 Hanover Street shall be installed and fully functioning prior to the start of operations on site.
11. The noise mitigation measures and recommended maximum plant specifications specified within RMP Noise Impact Assessment Technical Report No. R-9704-MP3-RGM and dated 11th October 2023 shall be installed, operational and designed, prior to the start of operations on site.



12. A further assessment of the plant noise breakout, assessment and mitigation shall be undertaken once the separating walls/floor/ceiling specifications, plant specifications and gym noise and vibration control measures have been confirmed. These measures shall be submitted to the Planning Authority and agreed in writing prior to occupation of the development.
13. Commercial cooking operations within the Class 3 café premises at 70-71 Princes Street and the Class 7 hotel hereby approved (premises with no cooking odour ventilation extraction proposed) shall be restricted to the use of 1 microwave, 1 soup kettle, 1 single sandwich Panini maker and coffee machine only; no other forms of commercial cooking shall take place without the prior written approval of the Planning Authority.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the character of the statutorily listed buildings and preserve the character and appearance of the conservation area.
4. In order to retain and/or protect important elements of the existing character of the site.
5. In order to encourage and support biodiversity.
6. In order to ensure that the drainage infrastructure is adequate.
7. In order to safeguard protected a European protected species.
8. In order to safeguard the character of the statutorily listed buildings and preserve the character and appearance of the conservation area.
9. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
10. In order to protect the amenity of the occupiers of the development and surrounding properties.
11. In order to protect the amenity of the occupiers of the development and surrounding properties.
12. In order to enable the planning authority to consider this/these matter/s in detail.
13. In order to protect the amenity of the occupiers of the development and surrounding properties.

## **Informatives**

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. The applicant should develop a Travel Plan including the provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.
4. The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required prior to construction.

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

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

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

**Date Registered: 3 November 2023**

### **Drawing Numbers/Scheme**

01,02,03A,04A,05,06A,07A,08,09A,10A,11,12A,13A,14,15A-18A,19,20A-29A,30-38,39A-51A,52,53A-55A+56-69

Scheme 2

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

Contact: Clare Macdonald, Senior Planning Officer  
E-mail: [clare.macdonald@edinburgh.gov.uk](mailto:clare.macdonald@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Archaeologist

COMMENT: The proposed development has archaeological impacts due to the demolition of a C listed building (40 Rose Street) and part of a category B listed building (38a Rose Street under 70-71 Princes Street).

Accordingly, a condition should be applied to ensure that a programme of archaeological work, including provision for public/community engagement, is undertaken prior to and during development.

DATE: 11 January 2024

NAME: Transport Planning

COMMENT: No objections subject to the application of appropriate conditions/informatives regarding a Travel Plan and tram safety.

DATE: 20 February 2024

NAME: Historic Environment Scotland

COMMENT: The proposals do not raise historic environment issues of national significance and therefore HES does not object.

### Demolition of 40 Rose Street

This building has late eighteenth-century origins. The loss of an original building of the First New Town would normally be of concern. However, the sequence of alterations (outlined in the Heritage and Townscape Assessment) has resulted in the removal of much original fabric and character. HES does not therefore consider that demolition would have a significant negative impact on the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site.

### National Galleries on The Mound (category A listed)

The elevation of the proposed replacement building for 40 Rose Street would match the wall-head height of the adjacent historic building, with an additional set-back storey. This new height - and when the proposal for 38a Rose Street is also considered - would result in an overall increase in the density of development in this location. Whilst this would have some adverse impacts, HES is not anticipating any significant negative impacts on the OUV. Consideration should be given to using a wider variety of materials on the new build, to help differentiate the individual components of the site.

The proposals for the remaining and retained listed buildings would have no negative impacts on the OUV.

### New Town Gardens and setting of A listed building.

HES does not think the development would have an impact on the significance of the New Town Gardens (Designed Landscape). The application's supporting visualisations indicate the proposed development would be visible in certain views, both close to the buildings and in more distant views across Waverley Valley. These additions would not impact on the significance of the Galleries setting as they would be seen against the background of existing buildings.

DATE: 15 December 2023

NAME: Edinburgh World Heritage

COMMENT: The site in question lies in an important location in the First New Town of the World Heritage Site and contains a number of buildings of national as well as local importance.

Whilst noting some areas of careful heritage consideration in the proposals, EWH has some concerns regarding the impact of the proposals on the World Heritage Site. The proposed demolition of 40 Rose Street would constitute the total loss of a listed building. Whilst EWH notes that the building has been significantly altered, it retains some value as an irreplaceable example of the characteristically modest historic buildings of Rose Street. The subsequent proposed new development along Rose Street would fail to take the opportunity of reflecting the lower heights and hierarchy of this street in relation to Hanover and Princes Street - an important characteristic of the First New Town and its contribution to the World Heritage Site. The same impact arises in the height of the proposed eastern block, which in View 6 visually disrupts this hierarchy by rising significantly above the principal Princes Street frontage. The introduction of a glazed rooftop bar also represents some harm due to impact on roofscape character (mostly visible in medium to long views).

EWH considers that the proposals represent a level of harm to the OUV of the World Heritage Site and cannot therefore support the proposals in their current form.

DATE: 20 December 2023

NAME: Environmental Protection

COMMENT: Environmental Protection has no objection to this proposal subject to the application of conditions regarding ventilation details and implementation, plant noise, cooking operations and site contamination.

DATE: 22 February 2024

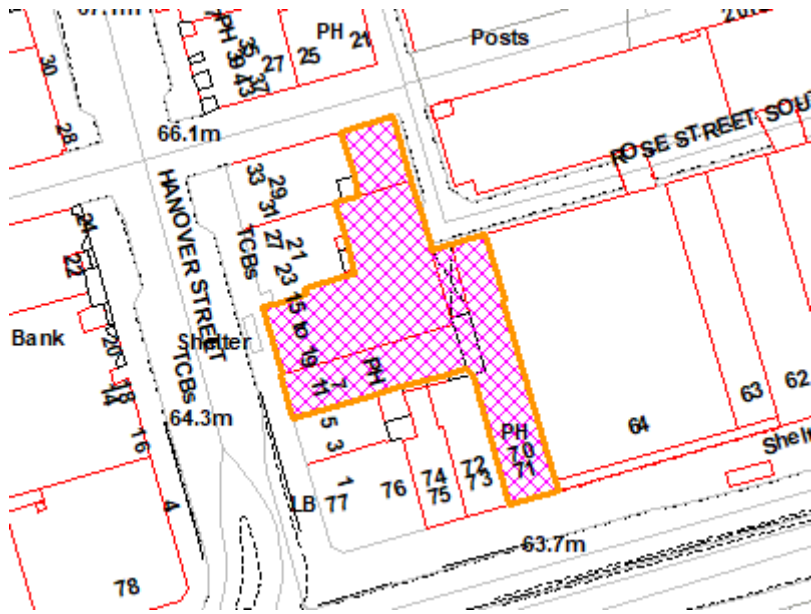
NAME: New Town/Broughton Community Council

COMMENT: No comments received.

DATE:

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

# Location Plan



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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

### **Application for Listed Building Consent**

**7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh.**

**Proposal: Selective demolition and alterations to form hotel and ancillary uses with refurbished commercial units and associated works.**

### **Item – Other Item at Committee**

**Application Number – 23/06565/LBC**

**Ward – B11 - City Centre**

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

The proposed works affect several listed buildings within the First New Town and include the demolition of a complete listed building and a significant part of another. Therefore, the application must be determined by the Development Management Sub Committee due to being of significant public interest.

### **Recommendation**

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

### **Summary**

The proposal is acceptable with regard to Section 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the special historic and architectural interest of the listed buildings and their settings. The character and appearance of the conservation area will be preserved and enhanced.

## **SECTION A – Application Background**

### **Site Description**

The application relates to a group of buildings of various age, scale, style, use and designation within the block between Princes Street, the east side of Hanover Street and Rose Street. These buildings are in active commercial uses (retail, restaurant and bookmakers) at ground floor and basement level, and the upper floors are vacant or used for retail storage. The site area is 1238 square metres.

The constituent buildings are as follows:

#### 70-71 Princes Street (Block 5)

This four storeys and attic, Early North European Renaissance style building by Hippolyte J Blanc was constructed in 1886 as a café but has been in retail use for several years with shop storage on the upper levels. The building is category B listed (reference LB30146, listed on 12.12.1974) and comprises a sandstone structure with a red polished ashlar, narrow gabled frontage featuring a semi-elliptical central arched recess with canted windows from first to third level, six-over-one pattern, timber-framed sash and case windows, and a slated roof. The shopfront is modern with a white cladding surround.

#### 7-11 Hanover Street (Block 3)

Category B listed under 3-9 Hanover St (reference LB43291, listed on 23.03.1996), this building is one of a former pair of two-storey and attic, classical style townhouses, dating from 1784-90 with subsequent alterations and additions, including modern shops built out at ground floor level. The building is occupied by a restaurant at ground and first floor level and a nightclub at basement level. The upper floors are used for storage and ancillary spaces for the restaurant. The paired buildings are constructed in droved cream sandstone, with timber-framed windows and slated roofs. Nos. 7-11 has undergone significant alterations, including the addition of a new shopfront and large bay window at first floor level in 1959-61. The remaining windows on the principal elevation are casement, whereas the windows in the adjoining building are sash and case.

#### 15-19 Hanover Street (Block 4)

This category C listed, three storey and attic building comprising former tearooms, was designed by A K Robertson in 1923 for David Shiels Crawford (listed under 11-19 Hanover St, reference LB43292, listed on 28.03.1996). The basement, ground floor and mezzanine are in retail use and the upper floors are not being used in any capacity. The main construction material is polished cream sandstone, and the building has a modern projecting rendered shopfront at ground floor level, a balustraded parapet with three corniced dormers, and a slated mansard roof. The windows are six-over-six pattern, timber-framed sash and case.

The internal fabric has deteriorated since it was last in use, with signs of water ingress now apparent.

#### 40 Rose St (Block 1)

This is a two-storey building in use as a bookmaker, on the corner of Rose Street and Rose Street South Lane, dating from the earlier 19th century, but with significant rebuilding including a modern interior. The building is category C listed (under 32 Rose St, (reference LB43336, listed on 28.03.1996) and constructed in painted sandstone, rendered at ground floor level, and droved at first floor level, with a gabled wallhead chimney stack, timber-framed two-over two pattern sash and case windows and a piended slate roof.



### 38a Rose Street (Block 2)

This earlier 19th-century, four-storey warehouse was built on the site of a late 18th-century mews building and is currently in use as storage. From the 1890s, the building formed a link between 70-71 Princes Street and 15-19 Hanover Street and was used as a kitchen, dairy and bakery for the tearooms and restaurants in the main buildings. The structure, which is included in the listing for 70-71 Princes Street (reference LB30146, listed on 12.12.1974), was altered significantly in the early and mid-20th century to the extent that not much original fabric survives.

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

### **Description of the Proposal**

The proposal is for demolitions, alterations and extensions associated with the conversion of the upper floors from retail storage to a 61-bedroom hotel, with associated guest amenities and ancillary areas. Commercial uses (retail and café/restaurant) will be retained at basement, ground and mezzanine floor level and a large tearoom for hotel guest/public use will be formed at first floor level within 7-11 and 15-19 Hanover Street.

The hotel accommodation will comprise a series of bedroom suites within the existing and proposed buildings and a first floor circulation link will provide access to the amenity areas, including the new tearoom in the adjoining Hanover Street buildings.

### **Proposed Demolitions and External Alterations**

#### 70-71 Princes Street (Block 5)

- remove the existing modern shopfront and install a new acid etched pre-cast concrete frontage with arched openings and dark-grey PPC aluminium window and door frames (entry point from Princes Street into the hotel);
- replace the existing timber-framed sash and case windows with double-glazed timber-framed sash and case windows to match the existing astragal pattern and
- remove existing historic and modern stairs and partitions and erect new partitions to form an entrance corridor for the hotel at ground floor level, a new stair and lift core (D) between all floors, and suites from first to third floor level.

#### 38a Rose Street (Block 2)

- demolish the existing building, including the link structure to 70-71 Princes Street;
- erect a seven storey (including mezzanine), attic and basement building, externally clad in dark grey/brown brick, a bronze metal clad roof and PPC mid-grey aluminium window and door frames, with a central stair and lift core (B) and two roof terraces; and
- erect a new link structure connecting this building with 70-71 Princes Street, including a stair from mezzanine to first floor level.

### 7-11 Hanover Street (Block 3)

- replace the existing modern shopfront with a new acid etched pre-cast concrete frontage with arched openings and dark-grey PPC aluminium window and door frames (entry points from Hanover Street into the hotel and retail/cafe unit);
- remove the later bay window at first floor level and restore the frontage in buff sandstone on the original building line, including three six-over-one pattern, timber-framed sash and case windows;
- demolish the existing rendered rear extension and a section of the slated rear roof pitch, including the dormer;
- erect a new extension, one storey higher, externally clad in dark grey metal panels with PPC mid-grey aluminium window and door frames, a roof terrace and link corridor to 70-71 Princes Street at first floor level.
- remove existing modern stairs and partitions and erect new partitions to form suites at second and attic floor level, and ancillary accommodation;
- install a new lift core (C) and stairs between all floors; and
- replace the existing timber-framed casement windows with double-glazed timber-framed sash and case windows (six-over-one pattern).

### 15-19 Hanover Street (Block 4)

- replace the existing rendered brick rear extension with a new bronze metal clad and grey render structure, one storey higher;
- erect a new rooftop extension, externally clad in profiled bronze metal panels with a blue/green roof, PPC mid-grey aluminium window and door frames, and a glazed façade leading to an open terrace;
- remove the existing access gantry to the former dairy building at first floor level and erect a replacement bronze metal clad/glazed link to the new building at 40 Rose Street;
- replace the existing timber-framed sash and case windows in the Hanover Street elevation with double-glazed timber-framed sash and case windows to match the existing astragal pattern;
- remove existing modern stairs and partitions, retaining the original stair, and erect new partitions to form suites at second to fourth floor level with stair/lift access; and
- form an opening at first floor level between this building and 7-11 Hanover Street to form a linked tearoom.

### 40 Rose St (Block 1)

- demolish the existing building.

### Scheme 1

The original scheme proposed:

- a higher, alternatively detailed roof and light-grey engineered stone elevations for the replacement structure at 38a Rose Street;
- a more advanced position and straight edge for the glazed façade of the rooftop addition to 15-19 Hanover Street;
- profiled bronze metal clad elevations for the new extension to 7-11 Hanover Street and a more substantial roof terrace/lift overrun structure;

- more contemporary style replacement shopfronts at 70-71 Princes Street and 7-11 Hanover Street; and
- eight-over-one pattern windows on the main elevation of 7-11 Hanover St with non-pedimented, shorter windows at first floor level.

### Associated Application

An application for planning permission (reference 23/06554/FUL) has been submitted for external alterations (including partial demolition), extensions, and new development, to form a new 61-bedroom hotel (Class 7) with commercial uses (Class 1A and Class 3) at basement, ground and mezzanine floor level.

### **Supporting Information**

- Heritage and Townscape Assessment;
- Heritage Impact Assessment;
- Planning Statement;
- Design and Access Statement;
- Design Statement Addendum and
- Window Survey.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Archaeologist

Historic Environment Scotland

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** Not Applicable

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

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

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

**Number of Contributors:** 1

## Section B - Assessment

### Determining Issues

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

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

### Assessment

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

#### **a) Compliance with Planning Legislation on Listed Buildings and Conservation Areas**

The following Historic Environment Scotland (HES) guidance is relevant in the determination of this application:

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Demolition of Listed Buildings
- Managing Change: Setting
- Managing Change: Interiors

### Character of Listed Buildings

#### Use and Adaptation/Demolition

The proposed development will result in the re-use of four listed buildings in sustainable, longer-term uses, with appropriate levels of adaptation and intervention. The overall strategy involves sensitive re-purposing of the under-used upper floors, the introduction of new build elements that respect and complement the individual listed buildings and surrounding historic environment, and the creation of roof terraces for hotel guests providing views across the city. The supporting information is detailed and informative in terms of understanding the history and significance of the constituent buildings on this site and assessing the proposed demolitions, alterations, and extensions.

This approach is in keeping with the key principle of use and adaptation which is to retain a listed building in a use that has the least possible effect on the elements that make the building special. Even extensive alterations to a building will be better than losing the building entirely. This proposal includes selective demolition of one entire listed building and another distinct structure which is part of a larger, more significant listed building, as part of a comprehensive development to form a fully accessible hotel that is linked through above ground floor level. The following information demonstrates why this level of demolition is acceptable.

### Demolition of 40 Rose Street

In order to establish whether the proposed demolition of this building fulfils any of the above criteria, the proposal has been assessed against the four tests set out in the Historic Environment Scotland Policy Statement (HESPS) as follows:

Historic Environment Scotland's Managing Change publication "Demolition of Listed Buildings" states that the loss of a listed building is likely to be acceptable if one of the following situations apply and this is clearly demonstrated and justified:

- the building is no longer of special interest;
- the building is incapable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community or
- the repair and reuse of the building is not economically viable.

#### *Is the building no longer of special interest?*

The building is category C listed, dating from the earlier 19th or later 18th century, and is a possible remnant of the earlier phase of the First New Town. However, the structure has undergone significant rebuilding and numerous alterations which have left little original fabric and a disfigured profile to the building.

The construction at the rear of the building suggests that it was originally single storey with gable chimneys and (probably) no windows in the gable. Archive drawings for alterations in 1870 show that, by this time, the gables had been built up and windows had been added in the south elevation of the attic. The form of the roof is unclear, but it was probably still pitched with slates at the centre and flat at the edges with lead sheet covering (as per the details from Robert Kirkwood's 'Plan and elevation of the New Town of Edinburgh' of 1819 and Joseph Ebsworth's watercolour 'View west from the Scott Monument' of around 1845).

In 1933 the building was thoroughly remodelled in Art Deco style as the Black Cat Bar by Maclennan and Cunningham for the wine merchants, Fraser & Carmichael, as per the archive drawings of this date. The works included the removal of the slated pitched roof and installation of a flat asphalt roof. The gables were built up, the early window openings were either built up or expanded and there were significant internal alterations, involving the removal of almost all of the dividing walls.

Further minor alterations were carried out in 1969, when the building was converted to a licensed betting office for Ladbrokes, and more extensive alterations were carried out by Ladbrokes in 1976, including the building up of the ground floor windows on the east elevation and installation of a new shopfront tiled shopfront. A final remodelling was undertaken by Ladbrokes in 1989 (the building's current appearance with only minor changes since).

The building today is therefore no longer of special historic or architectural significance. Historic Environment Scotland considers that a case can be made for demolition on the grounds that the building no longer meets the rigorous criteria for listing, based on the information provided, and does not therefore object to the demolition. As regards the salvage of materials, the stonework has been painted over for years and is too poor a condition to re-use in the proposed new building or elsewhere in the development.

*Is the building incapable of meaningful repair?*

No detailed information has been provided on the condition of this building as the issue of repair has not been put forward as a justification for demolition, so this question is not relevant.

*Is the demolition essential for significant benefits to economic growth or the wider community?*

This scenario does not apply to the proposed demolition, as the overall scheme is not of such economic or public significance that its benefits would outweigh the strong presumption in favour of retaining a listed building.

*Is the repair and reuse of the building economically viable?*

The case for demolition is being made primarily on the basis that the existing building is no longer of special historic or architectural interest. However, the retention of this building would not allow the same volume of development as proposed and this would have repercussions for the viability of the whole scheme.

#### Demolition of 38a Rose Street (former dairy)

This building is part of the listing for 70-71 Princes Street. The proposed demolition of this structure is assessed against HES's Managing Change publication "Use and Adaptation of Listed Buildings" rather than "Demolition of Listed Buildings", as the principal part of the listed building will remain.

Section 4 on page 13 of the "Use and Adaptation" guidance concerns 'selective demolition' which is "*a different consideration from substantial demolition, which would involve the total or substantial loss of a listed building.*" 'Selective demolition' is described as involving "*the removal, or demolition, of parts of a listed building in order to enable the significant parts of a listed building to be retained.*"

The former dairy at 38a Rose Street is a secondary part of the main listing and has been altered significantly in the past, notably the reconstruction of the upper floors in rendered brick. The precise date of the building is unclear, but John Ainslie's 'Plan of Edinburgh and Leith' of 1804 depicts an L-plan mews structure in the location of 38a Rose Street.

This original building, depicted as single storey in Kirkwood's plan and elevation of the New Town of 1819, had become connected to the rear of 70-71 Princes Street by 1819, also as shown in Kirkwood's plan. This accords with the letting of the premises, i.e. 70-71 Princes Street and mews, around 1812 to a wholesale and retail tea and sugar merchant and likely extension of the original L-plan structure to form a back shop and warehouse.

For much of the mid and later 19th century, the shop was occupied by an ironmongery firm and whilst there is no known documentary evidence for reconstruction, it appears that the original mews building was removed and replaced with a four-storey structure as depicted in a detail from Joseph Ebsworth's watercolour, 'View west from the Scott Monument' of circa 1845. The current stonework in the pend is a random mixture of dressed and rubble sandstone, which suggests that the fabric of the original mews building was re-used in the new construction.

The next significant period in the development of 38a Rose Street was the acquisition of the main premises by the Edinburgh Café Company in 1885 for redevelopment, along with 15-19 Hanover Street. The scheme by Hippolyte Jean Blanc of 1886 included a new frontage to 70-71 Princes Street and the existing warehouse was kept with its lower storeys converted to a bakehouse and the second floor turned into a kitchen (as shown in archive drawings of the proposals). The Company also erected a small bridge structure from the warehouse into its premises at 15-19 Hanover Street. In 1928, the top (laundry) floor was reconstructed and heightened, and a further significant alternation was undertaken in 1953 when two additional storeys were added on the link structure between 70-71 Princes Street and 38a Rose Street. This extension was of cheap post-War construction comprising a steel framework, concrete floors, metal sheeting walls and glazing. Numerous further minor alterations have taken place in the late 20th and early 21st centuries, and the interior contains no significant architectural spaces or features.

The demolition of the former dairy structure is therefore justified, given that it is a secondary element of the principal listing of 70-71 Princes Street, and the fact that the level of alteration carried out from the mid-19th century is substantial to the extent that little remains of the original fabric. The only notable material remaining is the 19th century stonework on the front elevation (facing Rose Street), but this has been altered significantly with new openings and poor quality infills at ground floor level and repaired/patched areas throughout, also of poor quality. Whilst Historic Environment Scotland state a preference for the retention and reuse of the existing stone in the frontage of the replacement building, the poor condition of this fabric is acknowledged. In the revised scheme, a good percentage of the historic sandstone will be re-used in the construction of the ground floor facade facing the lane and on the pend at lower levels.

In summary, the demolition of the category C listed building at 40 Rose Street and former dairy at 38a Rose Street is justified in the circumstances described above and accords with Historic Environment Scotland's respective guidance on total and selective demolition. A condition has been applied to ensure that these structures are officially recorded prior to demolition.

## External Alterations

The overall strategy is to retain, restore and enhance the three principal listed buildings on the site, including the replacement of ad hoc additions with more appropriate extensions, rationalisation of the existing jumble of plant and gangways connecting these buildings at the rear, and introduction of new features and services that will enhance the functionality and energy efficiency of the buildings. The special historic and architectural interest of each individual building has been evaluated and the revised proposal will re-purpose each building in a manner that is sensitive and complementary to the unique character of each, as demonstrated below.

### 70-71 Princes Street (Block 5)

This category B listed purpose-built tearoom for the Edinburgh Café Company, designed by Hippolyte Jean Blanc in 1886, is a distinct building within Princes Street due to its red Dumfriesshire sandstone construction, tall, narrow gable frontage, and unusual single, central recessed bay. The Edinburgh Café Company was established in 1880 specifically to promote the temperance movement in Edinburgh and opened a café at 88 Princes Street in that year, followed by the acquisition of 15-19 Hanover Street in 1895, then 70-71 Princes Street as a major expansion of their original Princes Street business.

The main past alteration to the building's façade is the removal of its original, elaborate shopfront, the date of which is unknown, but likely to be a 20th century alteration. The current shopfront is modern with a deep applied fascia and of no intrinsic value and has a negative impact on the building's architectural character as a result. The proposed replacement of this shopfront is acceptable in principle and the new shopfront is a modern interpretation of the original intricate design by Blanc (seen in an archive drawing from 1924). Whilst little remains of this historic shopfront, the surviving parapet is constructed in light buff stone, so the proposed tone for the new frontage is appropriate. As there is insufficient evidence to replicate the original design, the proposed contemporary version of Blanc's shopfront is acceptable and will reflect the general proportions of the arched openings which relate to the bays above. The use of a modern material is also fitting to mark the fact that the shopfront is new and will provide crisp detailing.

The demolition of the existing conglomeration of structures attached to the rear of the building (linking with the former dairy building at 38a Rose Street) will improve the appearance of the rear elevation, as these structures are poor quality and have been altered haphazardly over time. The proposed replacement link structure is low-lying and sensitively designed with glazed cupolas, so this will form a more elegant rear extension to the historic building.

Otherwise, the proposed external alterations to this building are relatively minor comprising replacement windows that form part of the associated application for listed building consent.

Internally, the ground and basement floors have been altered significantly due to years of retail use, including the insertion of a lift to first floor level. The removal of the existing modern stairs and partitions and erection of new partitions to form an entrance corridor for the hotel at ground floor level will have no adverse impact on the character of this listed building.



The existing historic stair from second to fourth floor level only survives in part. The stair is also in poor structural condition, including damaged treads, and would require significant alteration/upgrading for access and fire purposes to the extent that nothing much of the existing fabric would remain. Instead, the focus has been put on keeping and upgrading the historic stair in 15-19 Hanover Street which is intact and of superior quality.

On the upper floors, the rooms are mainly vacant spaces with little decorative detail. The proposed partitions to form a new lift core and hotel suites will retain appropriately large rooms at the front of the building with no impact on its external appearance.

The replacement of the existing timber-framed sash and case windows is acceptable in principle, as the window survey submitted concludes that these windows are in generally poor condition. The proposed double-glazed timber-framed sash and case windows will match the existing proportions and astragal pattern whilst incorporating important heat insulation and sound-proofing measures. A condition has been applied to ensure that the finer details of the proposed windows are appropriate.

### 7-11 Hanover Street (Block 3)

This category B listed building was built in the late 1780s as the northern half of a pair of three storey tenements, with 3-5 Hanover Street adjoining to the south (outside the application site). Significant alterations have been made to the building (and its pair) over time, including additions to the front and rear. Kirkwood's 1819 'Plan and elevation of the New Town of Edinburgh' shows that, by this time, the outer bays of the double tenement had been converted to shops with arcaded shopfronts, and a two-storey warehouse had been constructed to the rear of both townhouses. The most significant changes were made in 1958-61, when the shopfront and interior were remodelled by Robert Hurd for the Three Tuns bar and restaurant, including the removal of the early 19th-century arcaded shopfront, and building over the basement area to accommodate a new projecting shopfront. A large bay window was added at first floor level soon afterwards, replacing the original three sash and case windows.

The proposed external alterations include a significant element of conservation gain through the reinstatement of the building's essential 18th century character, even if some of the detailing is a contemporary version of the original. The new shopfront will reflect the three bays of the façade above and is an appropriate design based on an historic photograph from 1880. As at 70-71 Princes Street, the use of a modern material is acceptable, and the proposed tone will restore visual homogeneity to the building's façade.

The removal of the 1960's timber bay window and reinstatement of the 18th century building line and individual six-over-six sash and case windows at first floor level of 7-11 Hanover Street will return the building to its basic original appearance. An objection has been raised to the proportions and detailing of the proposed windows, but these windows cannot be as large as those on the adjoining former townhouse at nos. 3-9 due to the level changes internally and this deviation is acceptable in these circumstances. Also, the windows have been elongated slightly in the revised scheme with added pediments to ensure that they are longer than those at second floor level to reflect the original hierarchy of windows.

Whilst architraves were added to both townhouses forming the pair sometime in the 19th century (as seen in a photograph by George Washington Wilson of circa 1885), it would not be appropriate to include these on the new windows at nos. 7-11 as these are later features and the frontages would still not match.

To the rear, the existing rendered extension is a modern addition of no intrinsic architectural merit, so its replacement with a new extension is acceptable in principle. Whilst the proposed structure will be one storey higher than the existing extension, it is proportionate and subservient to the original building and finished in a contrasting material to distinguish the old from the new. Physical evidence shows that the rear roof pitch has been reconstructed, so the loss of the lower section of the pitch and existing dormer is acceptable to accommodate the required number of hotel suites and accessibility throughout this building and its neighbour at nos. 15-19. In the revised scheme, the rooftop terrace/lift overrun structure on the new extension has been reduced in height and detailed in an alternative way to ensure that it is discreet in any street or elevated views. This addresses HES's concerns regarding the visibility of this feature.

Internally, the original floor plan and detailing has been altered to the extent that virtually nothing survives of the 18th century interior. Another significant remodelling of the interior, in addition to the 1960's alterations detailed above, was carried out in 1986-87 when the original first floor structure was removed and a mezzanine level was introduced.

The proposed works to form retail/restaurant use at ground and basement levels, an open-plan tearoom at first floor level, hotel suites at second and attic floor level, and lift access throughout will therefore have no adverse impact on historic or architectural character.

The existing windows at second floor and dormer level are later casement windows, so the replacement of these with six-over-one pattern, double-glazed timber-framed sash and case windows will restore the original consistency to the fenestration pattern. A condition has been applied to ensure that the finer details of the new windows are appropriate.

#### 15-19 Hanover Street (Block 4)

The current 1920's building at 15-19 Hanover Street replaced the southern half of an 18th century symmetrical double tenement (part of the original First New Town). The northern half of this tenement survives in an altered form. In the early 19th century, the southern half of the former tenement was occupied by a carpet warehouse as well as a bookseller and auctioneer, Charles B Tait, who advertised auctions from his "Great Room", thought to be within the large structure to the rear of the current building at nos. 15-19 Hanover Street (shown on the Ordnance Survey Town Plan of 1853.)

The auction business closed in 1895, when the whole premises were purchased by the Edinburgh Café Company for expansion of their business at 88 Princes Street, before the acquisition of 70-71 Princes Street. In the same year, the Company created a small bridge from the warehouse at 38a Rose Street into the buildings at 15-19 Hanover Street, providing access to the auctioneers' Great Room (renamed the Oak Room) and to the tenement on Hanover Street.

In 1898 the company commissioned Hippolyte Blanc to extend the existing Oak Room northwards into a space that had been occupied by an art gallery behind 21-27 Hanover Street and Blanc created an elaborate wood-panelled dining room within this extension.

Due to the decline of the temperance movement, the Edinburgh Café Company sold their premises at 70 Princes Street and 15-19 Hanover Street in 1922 to the caterer David Shiels Crawford who planned to open a series of tearooms. Crawford's vision was for the tearooms to be an "oasis of calm on bustling Princes Street" and to rival the elaborate tearooms in Glasgow. Crawford commissioned the architect A K Robertson to remodel the tenement facing Hanover Street and the building was reconstructed on an advanced building line around 1925 with reinforced concrete floors throughout. At the same time, a corrugated metal corridor was constructed over the Oak Room to connect to the kitchen in 38a Rose Street.

The interior decoration and furnishing of Crawford's Hanover Street and Princes Street premises were by the artist Robert Burns, an early exponent of the Art Nouveau style in Scotland. This project was his most famous and complete interior designs and featured painted panels for the tearooms/dining rooms at first and second floor level, which had panelled walls and decorative plasterwork ceilings.

In 1925, the back of the building was extended and rebuilt in rendered brick for additional service accommodation and a tunnel was created to link the basements of 38a Rose Street and 15-19 Hanover Street, including the Oak Room. Further alterations have been made to the building since, the most significant of these being the replacement of the original shopfront in the 1960s, formation of an internal electricity substation in 2017, and further remodelling of the shopfront in 2018.

The proposed external alterations are to create a sufficient level of hotel accommodation, facilities and services within this part of the development. A significant feature of the internal scheme is the creation of a new tearoom within the former tearoom at first floor level which will link through to a new tearoom space on the first floor of 7-11 Hanover Street. Another issue is limited street-level access due to the existing ground floor retail unit, which necessitates an alternative access to the upper levels. Also, the existing underground link from the basement of the retail unit to Rose Street Lane is an essential means of escape, so this needs to be maintained. The proposed rooftop extension and expansion of the existing rear extension will provide the required level of accommodation, ancillary spaces and accessibility, including to the new tearoom, and the scale and design of these extensions are appropriate in terms of preserving the character of the historic architecture.

The proposed rooftop extension will sit discreetly between the existing, prominent chimney stacks and has a flat roof in keeping with the existing flat roof behind the slated mansard. In the revised scheme, the glazed frontage is set back further from the mansard eaves level and stepped to minimise visibility from public viewpoints. The external roof terrace will be enclosed by a simple metal railing with vertical balusters which will not be noticeable from street level or reflective from higher viewpoints. The sides of the proposed structure are finished in bronze coloured metal cladding to appear muted behind the sandstone chimney stacks and to ensure that the stacks remain visually prominent, with clearly legible silhouettes. The blue/green roof, although not a traditional roof finish for a building of this era, will not be perceptible in street or elevated views.

The existing rendered brick extension is not of intrinsic architectural merit with an irregular fenestration pattern and functional finish. The reconstruction of this element is acceptable in principle and the proposed blend and location of the external materials will add visual interest to the rear elevation, as well as minimising conspicuousness from elevated viewpoints due to the use of a predominantly darker finish on the upper levels. This will ensure that the modest addition to the existing envelope will have no adverse effect on the character of the listed building.

A further improvement will be the replacement of the existing utilitarian corrugated metal access gantry to the former dairy building at first floor level with a bronze metal clad/glazed link to the new building at 40 Rose Street.

The internal fabric has deteriorated since it was last in use, with signs of water ingress, likely due to the upper floors not being used in any capacity for several years. The aim of the proposed internal works is to incorporate the historic use of the current building (tearooms) as a key part of the proposed hotel use, and a conservation approach has been taken in the retention and restoration of the surviving wall panelling and ceiling plasterwork within the first and second floor dining rooms, and the associated panelled staircase. Unfortunately, Robert Burns' original artwork was removed in the past.

The new tearoom at first floor level will extend into the first floor of 7-11 Hanover Street through a modest scale opening in an appropriate location in the party wall. A modern box structure within the rear of the main tearoom space will be removed, so the original proportions of the original first floor tearoom at 15-19 Hanover Street will be restored. The proposed interior design and fixtures and fittings of the new tearoom will respect and complement the retained and restored historic architectural detailing. This includes the re-purposing of windows with geometric leadwork in the existing rear extension as decorative glazed screens for the tearoom, which will further preserve the original internal character.

Whilst the former dining room at second floor level will be subdivided into two suites, the main partition will run along existing down stands to minimise any disruption to the historic plasterwork ceiling, and bathrooms and kitchen areas will be set within pods to retain legibility of the original room proportions.

The existing panelled stair will be retained and restored, incorporating specialist fire treatment, and the extension of the stair (with central lift) upwards to access the upper floors, including the new rooftop extension, is a logical and non-damaging intervention.

Elsewhere, the interior is plainly detailed without any significant spaces, so the proposed alterations to form hotel accommodation and associated facilities will have no detrimental impact on historic or architectural character.

The existing sash and case windows in the Hanover Street elevation are unrefined modern replacements with block profiles, so the replacement of these is acceptable in principle. The proposed replacement windows will match the original pattern and a condition has been applied to ensure that the finer details of these windows are appropriate.

## Setting

The setting of these listed buildings is defined by the surrounding buildings of the First New Town with Princes Street Gardens opposite and the Old Town and Edinburgh Castle on elevated ground across the Waverley Valley. This section assesses the impact of the proposed works on the more immediate setting. The impact of these works on the wider setting is explored in detail in the section regarding the impact on the character and appearance of the New Town Conservation Area.

### Demolition of 40 Rose Street

The existing building is no longer of special interest and is not an important element within the site, so the demolition of this structure will have no adverse impact on the setting of the listed buildings. The impact of the proposed new building in this location is assessed in the associated application for planning permission.

### 38a Rose Street (Block 2)

The current building is part of the listing of 70-71 Princes Street, although due to its substantially altered state, the structure is not an intrinsically significant part of the principal building's setting. The demolition of the existing structure will therefore have no detrimental impact.

The proposed replacement structure will affect the setting of the principal building due to its larger scale. However, the replacement building will not be visible behind 70-71 Princes Street from street level or visually intrusive in elevated views of the principal building. This is due to its sensitive design, which echoes the tall, gabled form of the existing structure and the choice of appropriate materials and careful positioning, refined in the revised scheme to minimise the building's visibility in the immediate and wider historic environment. The façade facing Rose Street South Lane includes contemporary versions of the existing stone-built façade and rhythm of openings at ground floor level, using sandstone salvaged from the historic structure, and has a clear vertical emphasis. These elements evoke the former dairy which was a significant element of the rear setting of 70-71 Princes Street. A condition has been applied to ensure that the stonework detailing reflects that of the existing ground floor facade.

### Extensions to Existing Buildings

The proposed extensions are moderate in scale compared to the existing structures attached to the listed buildings and will rationalise the existing mix of ad hoc extensions of varying architectural quality. Only minor changes will occur in terms of the existing level of visibility of the rear elevations of the original buildings and the range of materials to be used in the new extensions is appropriately high quality and complementary to the historic construction materials. The overall immediate rear setting of the listed buildings within this block will be preserved and enhanced as a result.

## Conclusion in relation to the listed buildings

The proposed works will respect and reinvigorate these listed buildings through sensitive adaptation in an appropriate range of uses. The re-purposing of the currently under-used spaces above ground floor level will contribute positively to the upkeep of these areas which have deteriorated in condition. The scheme will also reintroduce a modern version of the historical link between 70-71 Princes Street and its former annex building to the rear, acknowledging an important element of the site's past development.

Due to the restrained scale, appropriate massing and careful detailing of the proposed alterations and extensions (including the new structure at 38a Rose Street), the proposed works will have no detrimental impact on the character of the listed buildings or their settings. The level of associated demolition proposed is acceptable and confined to the minimum necessary to achieve the key aim of preserving the principal listed buildings on this site.

Conditions have been applied to ensure that the specifications for all the proposed external materials are appropriate.

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

## Character and appearance of conservation area

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

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

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

- *"Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area."*

The key aim of the proposed works is to focus on the preservation and enhancement of the principal listed buildings facing Princes Street and Hanover Street, given that previous alterations have diminished their historic and architectural integrity to some extent. The rear of the buildings, including later additions, are of significantly less architectural quality than the facades and are not in keeping with the original street hierarchy of the First New Town. The various extensions have evolved in a haphazard manner to service the commercial uses of the buildings on the primary streets and these structures are utilitarian and low in architectural quality.

## Demolitions

As detailed in section a) the two structures to be demolished at 40 Rose Street and 38a Rose Street have been altered to a significant degree and in an unsympathetic manner to the extent that their demolition is justified. These buildings do not contribute positively to the character or appearance of the conservation area, so their removal is acceptable in principle.

## Alterations and Extensions to Listed Buildings

The new structure at 38a Rose Street (Block 2) will respect the essential characteristics of the former dairy building in terms of its tall, gabled form and clear vertical emphasis. The proposed grey/brown brick for the elevations will evoke the warehouse character of the existing structure and bronze metal cladding is an appropriate contemporary material within the mixed palette of the First New Town in its evolved form.

The other proposed works will have no impact on the historic plan form of this block. The proposed rooftop addition to 15-19 Hanover Street and redeveloped rear extensions to this building and its neighbour at 7-11 Hanover Street will be inconspicuous in terms of the character or appearance of the First New Town as it is defined today. This is due to modesty in scale and sensitive design using appropriate materials.

The proposed alterations to the facades of the listed buildings comprise the replacement of functional modern shopfronts with contemporary interpretations of the historic versions, and the removal of the later projecting bay window at 7-11 Hanover Street and restoration of the first floor frontage to as close to the original pattern as possible. These alterations will enhance the appearance of the individual buildings as well as the street frontages of the block.

## Views

To demonstrate the impacts of the proposed works on the character and appearance of the New Town Conservation Area, verified views of the constructed scheme have been produced from a series of key vantage points. The Edinburgh Design Guidance and supplementary view study set out key views. In this case, the relatively enclosed nature of the site along with the restrained height and appropriate detailing of the new build elements and extensions to the retained buildings will result in minor changes only to the townscape in Views C01b: Castle Lower Ramparts, C02c: Ramsay Lane and Castlehill and C03b: Milne's Close. Also, as the site is largely screened from the surrounding streets by existing buildings and the new structures will not be significantly taller than the neighbouring buildings, the impacts on the long and panoramic view cones will be negligible.

*Viewpoint 1: from the junction of Hanover Street and Princes Street looking north-east towards the site*

The proposed roofscape will preserve the predominantly horizontal, stepped nature of the existing roofscape and only a limited area of the new rooftop extension to 15-19 Hanover Street will be visible between the large chimney stacks. The darker tones of side elevations of this extension will ensure that the chimney stacks will continue to form bold punctuations in the roofscape.

Any minor impact will be balanced out by the removal of the existing projecting timber bay window at first floor level at 7-11 Hanover Street and reinstatement of single windows to the original opening pattern, along with the installation of a more appropriate shopfront.

*Viewpoint 2: from the junction of Rose Street North Lane and Rose Street looking south-west towards the site.*

Whilst the level of change is significant from this location, the proposed new building at 38a Rose Street will not have a negative impact on the character or appearance of these secondary streets of the First New Town.

Rose Street's lanes are backland in character, where the design and materials of the constituent buildings have traditionally been of lower quality than those of Rose Street. Within Rose Street itself, a street of lower standing within the architectural hierarchy of the First New Town, significant developments have occurred over the years, including the introduction of buildings of substantially larger scale than the historic buildings. The proposed new structure at 38a Rose Street is not, therefore, out of keeping with its immediate surroundings and its form, design and materials will preserve and even enhance the existing streetscene.

*Viewpoint 3: from the north-west corner of the junction of Hanover Street and Rose Street looking south-east towards the site.*

Only the east flank of the new rooftop extension to 15-19 Hanover Street is conspicuous in this view and any minor impact will be balanced out by the positive alterations to the façade of 7-11 Hanover Street.

*Viewpoint 4: from the west side of Hanover Street looking directly east towards the site.*

The glazed façade of the proposed rooftop extension at 15-19 Hanover Street will be unnoticeable behind the existing three dormers, so the visual impact of the development from Viewpoint 4 will be minimal and will include the positive impacts of the façade improvements to 7-11 Hanover Street.

*Viewpoint 5: from the Castle Ramparts looking north-east across West Princes Street Gardens towards the site.*

In this distant, elevated view of the site, only landmark historic buildings, large-scale modern structures, and church spires really stand out, such as the Royal Scottish Academy in Princes Street Gardens, the former British Homes Stores/Premier Inn development, and the spire on St Andrew's and St George's Church in George Street. Whilst the upper storeys of the proposed new-build elements will be visible from Viewpoint 6, the overall heights, architectural forms and materials palettes have been refined to ensure that these structures not be prominent within the immediate or broader cityscape. The new building in place of the former dairy will rise slightly above the surrounding buildings, but its rear location, pitched roof and dark palette on the top storey will integrate the building into the broader context in an unobtrusive way. Also, the added height in this location will conceal the featureless gable of the former BHS building, thereby improving the appearance of the overall streetscape. Whilst the former department store is a category B listed building, its west gable is utilitarian in form and not complementary to the historic townscape from this viewpoint.



*Viewpoint 6: from the corner of Ramsay Lane and Mound Place looking north towards the site.*

This is a channelled view through buildings on either side of the street with particular buildings standing out, notably the National Gallery and Royal Scottish Academy, and the spire of St Andrew's and St George's Church in George Street. 70-71 Princes Street is also prominent in this view due to its front-on red sandstone façade, whereas the buildings at 7-11 and 15-19 Hanover Street are visible at a very oblique angle. From Viewpoint 6, The rooftop extension at 15-19 Hanover Street is largely obscured by the existing broad chimney stack and neither the proposed rear extensions, nor the new build structure at 38a Rose Street obscure any key elements of this view.

*Viewpoint 7: from New College Steps at Milne's Court looking north towards the site.*

This view is a version of Viewpoint 6, but from further east, and the visual impacts of the new structure at 38a Rose Street are similar.

*Viewpoint 8: from West Princes Street Gardens, at the junction of the Mound and Princes Street, looking north-east towards the site.*

This view is similar to Viewpoint 1, but from further away taking in the corner of the Royal Scottish Academy building, the significantly altered former townhouses at the corners of Princes Street and Hanover Street, and the top of the spire of St Andrew's and St George's Church in George Street. As in Viewpoint 1, the proposed changes will only have a minor impact on the townscape from this location. The broad mutual chimney that punctuates the roofscape between 7-11 and 15-19 will remain a prominent visual feature of the street.

*Viewpoint 9: from Mound Place looking north across the National Gallery of Scotland and the Royal Scottish Academy towards the site.*

This viewpoint is similar to Viewpoint 6, but from lower down the Mound where the view opens up more widely and the proposed extensions and new buildings are less visible over the existing street-facing buildings. The bronze toned roof of the replacement building at 38a Rose Street will be seen above the slate roof of 70-71 Princes Street from Viewpoint 9 but will be inconspicuous in its dark tone and pitched form against the existing urban backdrop, and will not block any significant features of the building behind on George Street.

## Materials

The proposed mixed materials palette is appropriate within the First New Town's diverse palette of external facades and will complement the historic fabric whilst maintaining a clear but subtle visual separation between the historic and new fabric. Special care has been paid to the choice, tone and placement of materials at the upper levels to ensure that these most visible sections blend successfully into the general roofscape. The blue/green roof of the new rooftop extension to 15-19 Hanover Street will not be visible from any key viewpoints.

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

The proposed external alterations, extensions, including the new structure at 38a Rose Street, as refined in the amended scheme will preserve and enhance the character and appearance of the New Town Conservation Area through sensitive, high-quality design and appropriate scale and detailing. At the same time, the diverse range of materials and finishes of each new build element will retain architectural distinctiveness and individuality, which is a strong characteristic of the current site. As a result, the existing views of the site from key street and elevated locations will not change to any extent that would affect the essential appearance of this block and the surrounding area.

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

## **b) Other matters to consider**

The following matters have been identified for consideration:

### **Archaeological Remains**

The site lies within an area of archaeological significance in terms of location within the historic New Town and the proposals affect individual listed buildings, including the complete demolition of 40 Rose Street and removal of a significant part of 70-71 Princes Street (under 38a Rose Street).

On this basis, a programme of historic building recording is required to be undertaken prior to demolition/alterations and other development works to provide a detailed record of these buildings and to protect and conserve important historic fabric. In addition, a provision for public/community engagement during this programme of archaeological works should be put in place.

A condition has been applied to ensure that a comprehensive programme of archaeological work is undertaken, incorporating the above requirements.

### **Equalities and human rights**

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

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

### **Public representations**

A summary of the representations is provided below.

#### *material objections*

- the demolition of 40 Rose Street erodes the original hierarchy of buildings and further depletes the dwindling survivals of this era;
- the addition of a floor to the top of 15-19 Hanover Street, set back behind

- railings is not appropriate and will change the scale, massing and appearance of the building and the street;
- the architecture for the central core is too tall, too 'blocky' and heavily massed, and the streetscape when viewed from the Old Town will lose the multiple layering of built heritage;
- the proposed building at 38a Rose Street will be conspicuous behind the facade of 70-71 Princes Street and will block a glimpse of the slated roofs of Queen Street behind, and engineered stone elevations are not appropriate; and
- there is no condition report or photos to justify the removal of the existing windows on all properties in Hanover Street and Princes Street or drawings of the proposed replacement windows.

*The impacts of the proposed demolitions, alterations and new buildings on the historic environment are assessed in section a). These are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.*

#### *general comments*

- the reinstatement of the original windows to the first floor of 7-11 Hanover Street is supported, but the windows may have been longer and had pediments at this time;
- has the applicant made a case for the removal of all staircases but one from the listed buildings? and
- the stone cladding at 7-11 Hanover Street should be chosen to match the surviving stone of 7-11 Hanover Street and should be done in consultation with British Geological Survey or an organisation with similar expertise.

*These issues are addressed in section a) of the assessment. A condition has been added to ensure that all external construction materials are appropriately specified and detailed.*

#### *non-material comments*

The comments regarding the proposed new building at 40 Rose Street are addressed in the associated application for planning permission.

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

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

#### **Overall conclusion**

The proposal is acceptable with regard to Section 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the special historic and architectural interest of the listed buildings and their settings. The character and appearance of the conservation area will be preserved and enhanced.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

### Conditions

1. No demolition of any listed structures on the site shall commence until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation for the associated planning application reference 23/06554/FUL.
2. No demolition or works shall take place on the site until the applicant has submitted a proposed programme of archaeological work (historic building recording, public engagement, interpretation analysis and reporting, publication) which has been approved in writing by the Planning Authority, having first been agreed by the City Archaeologist. The applicant shall implement the approved programme of archaeological work, before and during construction works. The report of the findings/recordings shall be submitted to and approved in writing by the Planning Authority, having first been approved by the City Archaeologist.
3. A detailed specification, including trade names where appropriate, and sources of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before any of these materials are used on site. Note: samples of the materials may be required.
4. Details of the salvaged stonework construction for the ground floor elevation of the new building at 38a Rose Street shall be submitted to and approved in writing by the Planning Authority before work is commenced on this element of the frontage.
5. Details of the proposed replacement windows in all listed building on the site and the new windows at first floor level of 7-11 Hanover Street shall be submitted to and approved in writing by the Planning Authority before any of these windows are installed.
6. Details of the proposed external lighting strategy, including the proposed fittings and locations, shall be submitted to and approved in writing by the Planning Authority before any external light fittings are installed.

### Reasons

1. In order to retain and/or protect important elements of the existing character of the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the character of the statutorily listed buildings and preserve the character and appearance of the conservation area.
4. In order to retain and/or protect important elements of the existing character of the site.

5. In order to safeguard the character of the statutorily listed building.
6. In order to safeguard the character of the statutorily listed buildings and preserve the character and appearance of the conservation area.

### **Informatives**

It should be noted that:

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

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

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

**Further Information - Local Development Plan**

**Date Registered: 31 October 2023**

### **Drawing Numbers/Scheme**

01,02,03A,04A,05,06A,07A,08,09A,10A,11,12A,13A,14,15A-18A,19,20A-29A,30-38,39A-51A,52,53A-55A+56-67

Scheme 2

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

Contact: Clare Macdonald, Senior Planning Officer  
E-mail: [clare.macdonald@edinburgh.gov.uk](mailto:clare.macdonald@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Archaeologist

COMMENT: The proposed development has archaeological impacts due to the demolition of a C listed building (40 Rose Street) and part of a category B listed building (38a Rose Street under 70-71 Princes Street). Accordingly, a condition should be applied to ensure that a programme of archaeological work, including provision for public/community engagement, is undertaken prior to and during development.

DATE: 11 January 2024

NAME: Historic Environment Scotland

COMMENT: Historic Environment Scotland thinks that this comprehensive development would not result in significant negative impacts on the historic environment. The reuse of long vacant (or underused) upper floors along Princes Street and Hanover Street is welcomed. This includes the reuse of the two highly significant former dining rooms within Crawford's 1920s purpose-built tea rooms. The total demolition of 40 Rose Street would result in the loss of a listed building, which HES would normally resist. The information submitted, outlining the known history of the building, shows it has been much altered since the late eighteenth century, and it is for these reasons that HES has not objected to its loss. However, care should be taken with the design and individuality of its replacement.

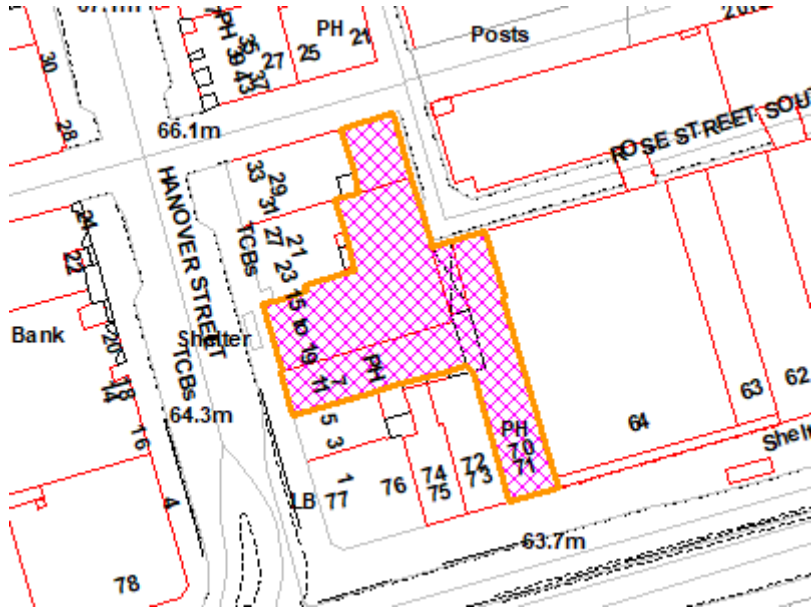
For the remaining retained listed buildings, HES is content that the development proposals have been planned with an understanding of their historic and architectural importance. A large and comprehensive scheme will always likely have some adverse impacts. In this response, HES has highlighted the more prominent impacts, specifically on staircases, extensions, and shopfronts.

HES welcomes the commitment given by the applicant and agents to amend the proposals and reduce impacts on the listed buildings.

DATE: 21 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 13 March 2024**

**Application for Planning Permission  
Middle Kinleith Farm, Harlaw Road, Currie.**

**Proposal: Demolition of existing shed and barn and construction of two new dwellinghouses with associated roads, drainage and infrastructure.**

**Item – Committee Decision  
Application Number – 24/00127/FUL  
Ward – B02 - Pentland Hills**

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

The application has been referred to the Development Management Sub-Committee because 52 material support comments have been received and it is recommended for refusal. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposals do not comply with the National Planning Framework 4 (NPF 4) and Edinburgh Local Development Plan (LDP) as a whole.

The residential development is contrary to Green Belt policy principles as it would fail to deliver sustainable and compact urban growth. It would be located out with an accessible, well connected urban environment. It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and residential use here would not support local living.

It would not detract from the landscape quality or rural character of the area, re-uses brownfield land and is appropriately designed. However, these benefits do not outweigh the overall conflict with NPF4 or the LDP.

Overall, the material considerations support the presumption against granting planning permission.

## **SECTION A – Application Background**

### **Site Description**

The site is located to the south of Currie, on the northern side of Harlaw Road. It covers over 3,500 square metres of land. Originally, it formed part of a larger farm holding.

There are two main former agricultural buildings of functional appearance that remain on site - a cattle shed and an open sided barn. Other buildings associated with the farm have previously been removed. There is a downward slope evident from south to north.

To the west, are former farmhouse buildings converted into residential dwellings with one additional residential dwelling beyond this. To the east is series of historic farm cottages with a mix of housing. To the north are open fields and to the south a mix of open landscapes with some farm buildings/houses.

The site lies within the Green Belt and Pentlands Special Landscape Area as identified in the LDP. A local nature conservation site lies to the east in Poet's Glen which is bordered by dense woodlands.

### **Description of the Proposal**

Two residential dwellings accommodating four bedrooms.

One dwelling would be located to the sites north-west corner replacing a former cattle shed. The existing building footprint is 426 m<sup>2</sup> whilst the proposed footprint would be approximately 387 m<sup>2</sup>, with 446 m<sup>2</sup> floorspace. It would be approximately 5.6 m in height, 26.5 m in width and 22.4 m in depth. Additional habitable space will be accommodated at basement level.

An open sided barn to the south covering 212 m<sup>2</sup> would also be demolished to accommodate the second dwelling with a proposed footprint of approximately 266 m<sup>2</sup>, with 306 m<sup>2</sup> floorspace. It will be approximately 6.4m in height, 23.2 m width and 23.7 m in depth.

Both dwellings would be one and a half storeys in height. The walls would mainly be timber clad with stone sections with dual pitched slate roofs. Large, glazed openings would face onto private garden space. Garages would accommodate one car parking space and three cycles per dwelling. These would front onto paved surfaces where an additional car parking space is detailed.

A new access road would be formed to the sites east which will connect to Harlaw Road. This area will be landscaped with range of soft planting detailed. Communal planting beds would also be formed between the two dwellings.

## **Supporting Information**

- Arboricultural Impact Assessment
- Design Statement
- Drainage information
- Planning Statement
- Surface water flow plans
- Transport Statement
- Tree report
- Visualisations

## **Relevant Site History**

21/05193/FUL  
Middle Kinleith Farm  
Harlaw Road  
Balerno  
Creation of 3 dwelling houses (as amended).  
Refused  
5 April 2022

## **Other Relevant Site History**

Site History:

11 August 2022 - Appeal against the refusal of planning application 21/05193/FUL for three dwellings dismissed - appeal reference PPA-230-2378

Land immediately east of application site:

3 August 2000 - Planning permission granted for restoration and conversion to one dwelling house - application reference: 00/01630/FUL.

28 May 1997 - Planning permission granted to alter farmhouse to form two houses - application reference: 97/00103/FUL.

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Transport Planning

Archaeology

Flood Planning

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 19 January 2024

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

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

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

**Number of Contributors:** 55

## 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 Place Policies 1, 2, 3, 4, 7, 8, 9,
- NPF4 Liveable Place Policies 14, 15, 16, 17, 22,
- LDP Developer contributions policy Del 1
- LDP Design policies Des 1, Des 3, Des 4, Des 5,
- LDP Environment policy Env 10, Env 12, Env 21
- LDP Housing policy Hou 1, Hou 3, Hou 4,
- LDP Transport policy Tra 2, Tra 3,

The non-statutory Guidance for Development in the Countryside and Green Belt is a material consideration that is relevant when considering NPF 4 policy 8.

### Principle

LDP policy Hou 1 (Housing Development) part 1 states priority will be given to the delivery of houses on allocated sites, designated areas for mix of uses or regeneration or other suitable sites in the urban area.

Part 2 states green belt proposals maybe granted permission where there is an identified deficit in the housing land supply. Where this is identified one criterion includes developments contribution to the principles of sustainable development.

The site is not allocated or designated for any purpose set out in part 1 of this policy whilst there is no identified deficit in housing land supply.

The sites detached, rural location and its characteristics with no designated footways or cycleways mainly support private car use. The reporters appeal decision to refuse previous planning application 21/05193/FUL for three dwellings stated the site was 'not conveniently - or even moderately inconveniently - located to reach such services' (public transport, shops etc).

These circumstances are largely unchanged, and this development similarly does not contribute to principles of sustainable development. The proposal is therefore contrary to LDP policy Hou 1.

### Green Belt

NPF4 policy 8 (Green Belts) part i) states in summary that residential development proposals within a designated green belt will only be supported where associated with a worker in primary industry, intensify an established use (eg. extensions) or replace an existing home.

Part ii) outlines further requirements including why a Green Belt location is essential, how its purpose is not undermined, its compatibility (in terms of countryside, landscape character and design) and that there will be no significant long-term impacts on environmental quality.

LDP policy Env 10 also outline criteria where development may be permitted. To comply, development proposals must meet one of four criteria (a to d) and not detract from the areas' landscape quality or rural character.

Criteria a) relates to development where a countryside location is essential. Criteria b) relates to the change of use of an existing building, c) to development relating to an existing use or building(s) (extensions, ancillary development or intensification) and d) to replacing a building where the use is unchanged.

The non-statutory Development in the Countryside and Green Belt also set out the circumstance where new houses may be justified. Exceptional planning reasons include reuse of brownfield land and gap sites within existing clusters of dwellings.

It has not been evidenced the dwelling will be constructed for primary workers. As new, residential units the development would not intensify an established use. The dwellings would not replace an existing home. Part i) of NPF4 policy 8 is therefore not met.

A green belt or countryside location is not essential for residential use. The development would not involve the conversion of an existing building and a new use is proposed. Part ii) of NPF 4 policy 8 and criteria a) to d) of LDP policy Env 10 are therefore not met.

The development through replacing aged functional agricultural buildings with residential dwellings would change the character of the land. The dwellings long, narrow footprints would help reduce their mass from local views. Their one-and-half storey height would appear in proportion with dwellings nearby. The simple pitched form with slate roofs and timber clad walls would appear compatible with this rural context. In this regard, the development would not detract from the areas' rural character or landscape quality.

The intent of NPF 4 policy 8 is to encourage, promote and facilitate compact urban growth. To use land around towns and cities sustainably. As per the above, the site is not in a sustainable location. It is located near a small number of dwellings only with similarly access to a range of services. The proposal therefore has the potential to undermine the purpose of the green belt as it fails to deliver compact, sustainable urban growth.

In regard to the non-statutory guidance, it is acknowledged the proposal would re-use brownfield land. However, the site is not a clearly defined gap site with large open field to its north and south. The degree of conformity with this part of guidance does not outweigh the conflict with principle Green Belt policies NPF 4 policy 8 and LDP policy Env 10.

### Sustainable, Rural Homes

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 4 policy 15 (Local Living and 20 minute neighbourhoods) intent is to encourage, promote and facilitate the 'place principle'. Create connected and compact neighbourhoods where daily needs are in reasonable distance through use of sustainable transport.

NPF 4 policy 16 (Quality Homes) part f) refers to proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances including where consistent with plan spatial strategy, local living and 20-minute neighbourhoods.

NPF 4 policy 17 (Rural Homes) intent it is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Part a) includes criteria where homes in rural areas will be supported. These include sites allocated for housing in the LDP or reuse of brownfield land where return to a natural state has not or will not happen without intervention.

Part b) refers to how development for new homes in rural areas will contribute to local living, local housing need, economic considerations, and transport needs of the development as appropriate for the rural location.

The proposal would deliver two new rural homes of high-quality design on an unused brownfield land in a poor state. The site would also require intervention to return it to a natural state as the existing agricultural buildings and hardstanding would require to be demolished. The proposals therefore partly accord with policy 9 and 17 a).

Furthermore, it is acknowledged that Harlaw Road immediately south of the site is part of the 'Bonaly and Bonaly link' core path. However, this road is not continuously lit and has no designated foot ways or cycle ways. It would be an approximate 25-minute walk or over 10-minute cycle to some services and public transport links in Currie. In these circumstances its usability to meet daily needs by a range of sustainable transport would be restricted and reliance on cars would still be likely.

This level of accessibility is consistent with the sites more rural location, and it is acknowledged there is residential use nearby. The site being beside existing homes which the proposal would add to. There would be a small associated economic benefit from new occupier's use of shops and services.

However, this area is out with a defined urban environment. There is no immediate local access to a range of amenities therefore new homes here do not support the policy considerations of local living. Furthermore, there is no identified local housing need.

The proposal therefore fails to contribute towards creating a connected neighbourhood, achieving compact growth or encouraging sustainable rural homes in the 'right location'. It is inconsistent with the plan spatial strategy as new homes in this location are not supported in the LDP.

Overall, the proposal is therefore contrary to NPF 4 policy 15, 16 and 17.

#### Climate Change Adaptation and Mitigation

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.

The S1 sustainability form details the features included with the development such as photovoltaic panels, ground source heat pumps and south-facing glazing to maximise solar gain.

Sustainable materials would be used and provision of recycling facilities within each garage. A range of new planting and grassed area would be provided on-site which will help biodiversity.

The proposal includes measures to help mitigate impacts of climate change therefore does not conflict with NPF4 policy 1 and 2.

### *Ecology*

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.

NPF 4 policy 4 (Natural Places) intent refers to protecting, restoring and enhancing natural assets making best use of nature-based solutions.

Part d) states development proposals that affect a local nature conservation site will only be supported where its quality or integrity is not significantly adversely affected, or these effects are outweighed.

Part f) states development proposals likely to have an adverse effect on protected species will only be supported where the proposal meet relevant statutory tests.

A range of new planting and grassed areas would replace existing hardstanding across the site which would provide new opportunities for enhanced biodiversity in line with NPF 4 policy 3.

However, no Preliminary Ecology Appraisal has been submitted. The previous appeal decision on-site included effect on nature conservation as a reason for refusal in the absence of surveys on this area being submitted. Furthermore, the reporter stated that the sites characteristics with neglected land or buildings frequently being suitable habitats for species.

Whilst the policy context through the adoption of NPF 4 now differs, there has similarly been no evidence submitted to demonstrate there would not be conflict with the Nature Conservation (Scotland) Act 2004 and Directive 92/43/EEC.

The proposal therefore conflicts with NPF policy 4 f).

### *Trees*

LDP policy Env 12 (Trees) states development will not be permitted with damaging impacts on trees worthy of retention unless necessary for good arboricultural reasons.



The submitted tree report states a sycamore tree (category B) and an ash tree (category C) would be removed as part of the proposals. The sycamore tree in particular is worthy of retention as a semi mature tree in good condition. However, a range of new planting is proposed across the site which would be appropriate degree of mitigation for this tree loss.

Overall, an infringement of LDP policy Env 12 is therefore appropriate in this instance.

### Design, Quality and Place

NPF4 policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. 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 3 (Development Design) refers to development incorporating existing characteristics and features worthy of retention on site and surrounding area.

LDP policy Des 4 (Development Design - Impact on Setting) sets out criteria for development to have a positive impact on the character of the wider townscape and landscape.

The new dwellings would take cues from the local architecture with their one and a half storey scale, simple pitched form and long narrow footprint similar to building in the vicinity. Traditional materials of stone and slate would match existing buildings. Extensive use of modern timber clad walls would appear distinctive yet in keeping with the sites rural, wooded context.

As aged, farm buildings of functional design demolition of the existing buildings on-site is acceptable. The proposal would largely retain features worthy of retention on-site such as groupings of trees and additional planting would help create a pleasant environment for occupiers.

In regard to the place qualities of policy 14, to a small extent the addition of two permanent homes on unused land with outlook from glazed openings would help the general safety of the area from greater surveillance. This would help create a healthy place. In regard to adaptability, other uses for the buildings have not specifically been outlined however only the current proposal can be assessed under this planning application. Given the sites detached rural location largely dependent on car use the proposal would not support delivery of a sustainable or connected place.

Overall, the proposal complies with relevant LDP design policies however does not fully comply with NPF 4 policy 14.

## Special Landscape Area

NPF4 policy 4 d) states development proposals that affect a designated landscape area will only be supported where its qualities or integrities or not significantly adversely affected or the adverse effects are outweighed.

The site is located within the Pentlands Special Landscape Area (SLA). As shown in submitted visuals the new dwellings have a similar extent of visibility as the existing agricultural buildings. Their scale, form and design would appear in keeping with its rural landscape.

The tree loss is proportionally small and would not impact on the overall quality or integrity of this SLA.

The proposal does not conflict with NPF 4 policy 4 d).

## Amenity

LDP policy Des 5 (Development Design - Amenity) requires development proposals to demonstrate that future occupiers will have acceptable levels of amenity.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires developments to provide adequate provision for green space to meet the needs of future residents.

The EDG states for three bedrooms or more, dwellings should have a minimum floor space of 91 m<sup>2</sup>.

## *Future Occupiers*

The dwellings would have a good internal floor space in excess of the minimum space standards.

Adequate levels of outlook and light would be achieved internally from the size, orientation of windows and space retained to other buildings. Large, south-facing garden spaces would provide good quality external amenity space. The dwellings would be sufficiently spaced from all neighbouring properties that adequate levels of privacy will be achieved.

Overall, an acceptable living environment would be achieved for future occupiers. The proposal complies with LDP policy Des 5 and Hou 3.

## *Neighbouring Occupiers*

LDP policy Des 5 also requires development proposals to not have an adverse effect on the amenity of neighbouring developments in relation to noise, daylight, sunlight, privacy or immediate outlook.

The dwellings would retain 14 to 15 m at their closest point to properties to the west. The orientation of windows would generally avoid direct overlooking between openings. In tandem with the distances retained this would prevent any material impact on privacy.

Closer distances of just over 7 m would be retained from new openings to garden spaces to this side. An appropriate boundary treatment could adequately screen outlook of this adjacent land. Full details of this would have been sought by condition if the proposal was acceptable overall.

To the east, significantly larger distances would be retained to the nearest residential property which will prevent any adverse amenity impacts.

No daylight or sunlight information has been submitted. However, the retained distances outlined above in tandem with the one-and-a half storey scale of the houses would prevent any material impact on shade cast on adjacent gardens or impact on light to neighbours' windows.

In regard to noise, the residential use is the same as uses nearby and it is not anticipated the addition of two houses would lead to any significant impact on this aspect. There are statutory provisions under the Environmental Protection Act 1990 should a noise nuisance be reported from the site.

Overall, the proposal complies with LDP policy Des 5.

## Transport

### *Car Parking*

LDP policy Tra 2 states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The site is identified as within Zone 3 of the Edinburgh Design Guidance Parking Standards where residential properties should have a maximum car parking provision of 1 space per dwelling.

Two car parking spaces are proposed per dwelling which exceeds the maximum car parking standards contrary to LDP policy Tra 2. However, this arrangement is reasonably characteristic of the immediate area. This infringement of policy and guidance is not considered to justify a reason for refusal in isolation.

### *Cycle Parking*

LDP policy Tra 3 states cycle parking and storage provision should comply with the standards set out in Council guidance.

The EDG standards state properties in this zone should have a minimum of 3 cycle spaces for dwellings with 4 habitable rooms or more.

In addition, principles of the Council's cycle parking factsheet include that provision should include 20 % non-standard bicycles.

Three cycle spaces have been included within each garage which complies with EDG standards. Whilst no non-standard provision has been detailed here there would be adequate space to accommodate this.

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

### Contaminated Land

NPF 4 policy 9 (Brownfield, vacant / derelict land and empty buildings) part c) states where land is known or suspected to be unstable or contaminated proposals will demonstrate the land can be made safe and suitable for the proposed new use.

LDP policy Env 22 (Pollution and Air, Water and Soil Quality) states, amongst other criteria, that permission will be granted where there will be no significant adverse effect on soil quality, ground stability and appropriate mitigation can be provided.

There is the potential that the site may have contaminated the ground through previous agricultural use.

Should the proposal have been acceptable overall, a condition would therefore have been recommended for submission of a site survey prior to commencement of works. This is in order to ensure the ground is safe and stable for residential use in accordance with NPF 4 policy 9 c) and LDP policy Env 22.

### Flooding

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to flooding.

LDP policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The submitted drainage strategy has been reviewed by CEC Flood Planning and further information has been sought in regard to surface water discharge via infiltration. In addition, that a surface water management checklist and certification be submitted in line with flood planning guidance.

As identified on SEPA online flood maps, the site is located in an area with no specific river, coastal or surface water flood risk. Given this context, further detail on this matter could have been imposed by condition should the proposal have been acceptable overall. To ensure surface water is managed correctly.

### Archaeology

NPF4 Policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The City Archaeologist has been consulted on the proposals and has stated the site is located within an area of historic and archaeological significance, from the historic construction of Middle Kinleith Farm (prior to 1812) and 18th century Mount Parnassus weavers' cottages. A condition has therefore been recommended regarding a programme of archaeological works in accordance with a written scheme of investigation to be submitted, in order to safeguard potential archaeological remains.

This condition would have been imposed should the proposal have been acceptable overall.

### Scottish Water

The applicant would require separate consent from Scottish Water out with this planning application. Should the proposal have been acceptable overall an informative would have been applied in respect to this.

### Waste Services

The applicant would require separate agreement with Waste Planning. Should the proposal have been acceptable overall an informative would have been applied in respect to this.

### Developer Contributions

No contributions have been identified for the proposal.

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

The proposals do not comply with the National Planning Framework 4 and Edinburgh Local Development Plan as a whole.

The residential development is contrary to Green Belt policy principles as it will fail to deliver sustainable and compact urban growth. It would be located out with an accessible, well connected urban environment. It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and residential use here would not support local living.

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

The following material planning considerations have been identified:

### Emerging policy context

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

### Equalities and human rights

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

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

## Public representations

A summary of the representations is provided below:

### *support*

#### *material considerations*

##### *Use*

- Positive community impact through delivery of homes and re-use of gap site
- Economic benefits

These considerations have been addressed through section b) Sustainable, rural homes.

##### *Design*

- Appropriate, compatible design with positive impact on area
- Positive re-use of site in poor state

These considerations have been addressed through section b) Design.

##### *Amenity*

- Enhanced surveillance: Addressed in section a) Design.

##### *Environment*

- Delivery of energy efficient homes: Addressed through section b) Climate Change Adaptation and Mitigation

##### *Transport*

- Minimal traffic impact: Addressed in section a) Transport.

### *objection*

#### *material considerations*

- No ecological information submitted: Addressed in section a) Climate Change Mitigation and Adaptation
- Potential adverse impact on water services: Addressed through Section a) Scottish Water.

#### *non-material considerations*

- Temporary construction impacts
- Positive reputation of builder
- Benefits for family as future occupiers
- Electricity and private water supply

These matters cannot be considered or controlled as part of this planning application. The applicant may require additional consents out with the requirement of this planning application.

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

The material considerations support refusal of the planning application.

### **Overall conclusion**

The proposals do not comply with the National Planning Framework 4 (NPF 4) and Edinburgh Local Development Plan (LDP) as a whole.

The residential development is contrary to Green Belt policy principles as it would fail to deliver sustainable and compact urban growth. It would be located out with an accessible, well connected urban environment. It is anticipated there would be a reliance on private car usage. The site is not located in a sustainable location and residential use here would not support local living.

It would not detract from the landscape quality or rural character of the area, re-uses brownfield land and is appropriately designed. However, these benefits do not outweigh the overall conflict with NPF4 or the LDP.

Overall, the material considerations support the presumption against granting planning permission.

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

The recommendation is subject to the following.

### **Reason for Refusal: -**

1. The proposal is contrary to NPF 4 policy 8 (Green belt) as it does not meet the relevant criteria for residential development in this green belt location and will fail to deliver compact, sustainable urban growth.
2. The proposal is contrary to LDP policy Env 10 (Green belt & Countryside) as it does not meet criteria a) to d) for development in this green belt location.
3. The proposal is contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal does not contribute towards local living as the dwellings would not have good local access to range of sustainable modes of transport, local facilities or services.

4. The proposal is contrary to NPF 4 policy 16 (Quality Homes) part f) as the dwellings would be located on land not allocated for housing in the LDP, are inconsistent with the plan spatial strategy, local living and 20-minute neighbourhood principles.
5. The proposal is contrary to NPF 4 policy 17 (Rural Homes) overall, as the proposals would fail to deliver sustainable rural homes in the right location.
6. The proposal is contrary to NPF 4 policy f) (Natural Places) as insufficient information has been submitted to demonstrate that the development would not have an adverse effect on species protected by legislation.

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

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

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

**Date Registered: 16 January 2024**

### **Drawing Numbers/Scheme**

01-03, 05-06, 08-09, 11-18

Scheme 1

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

Contact: Lewis McWilliam, Planning Officer  
E-mail: [lewis.mcwilliam@edinburgh.gov.uk](mailto:lewis.mcwilliam@edinburgh.gov.uk)



## Appendix 1

### Summary of Consultation Responses

NAME: Transport Planning  
COMMENT: No objections.  
DATE: 21 February 2024

NAME: Archaeology  
COMMENT: No objections subject to condition.  
DATE: 25 January 2024

NAME: Flood Planning  
COMMENT: Further information sought in regard to surface water management.  
DATE: 7 February 2024

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 13 March 2024

**Application for Planning Permission STL  
2F 162 Rose Street, Edinburgh, EH2 3JD**

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

**Item – Committee Decision  
Application Number – 23/04654/FULSTL  
Ward – B11 - City Centre**

### Reasons for Referral to Committee

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

### Recommendation

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

### Summary

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

The change of use of the property to a Short Term Let (STL) will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application is acceptable with regard to transport matters. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion. It is therefore recommended that the application is granted.

## SECTION A – Application Background

### Site Description

The application property is currently in use as a two-bedroom short term let and is located on the second floor of a building on the southern side of Rose Street. The property's lawful use is as an office, with the works necessary to convert it to a short term let undertaken after its purchase in 2021. The property is accessed via a staircase from Rose Street, sharing this stair only with an office.

Rose Street is a busy street comprising a mix of commercial and residential uses and featuring a high degree of activity during the day and night. Public Transport links are highly accessible from the site.

The application site forms part of a category C Listed Building, 162 Rose Street, LB43339, 28/03/1996.

The application falls within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

### **Description of the Proposal**

The application proposes a change of use of the property from office to short term let. No internal or external physical changes are proposed. The application is in retrospect. Short-term letting began at the property in November 2021.

### **Supporting Information**

- Supporting letter.
- Photos.

### **Relevant Site History**

No relevant site history.

### **Other Relevant Site History**

No other relevant site history was identified.

### **Pre-Application process**

There is no pre-application process history.

### **Consultation Engagement**

No consultations undertaken.

### **Publicity and Public Engagement**

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

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

**Press Publication Date(s):** 20 October 2023

**Site Notices Date(s):** 17 October 2023

**Number of Contributors:** 1

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

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

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

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

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

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

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

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

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

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

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

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

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

As stated previously, there are no external changes proposed. Therefore, the impact on the character and appearance of the conservation area is acceptable.

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

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

### **c) The proposals comply with the development plan.**

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

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

- NPF4 Sustainable Places Tackling the climate and nature crises Policy 1.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Housing Policy, Hou 7.

- Local Development Plan Transport Policies, Tra 2 and Tra 3.

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

The non-statutory Guidance for Business (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 policy 30.

The Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

#### Listed Buildings, Conservation Area, and World Heritage Site

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

#### Proposed Use

With regards to NPF4 Policy 1, the proposed change of use does not involve operational development resulting in physical changes. The proposals will have a negligible impact on the global climate and nature crisis.

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

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

The non-statutory Guidance for Businesses (2024) states that an assessment of a change of use of dwellings to a short term let will have regard to:

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

#### *Amenity*

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

However, whilst there are residential properties in proximity to the application site, the noise generated by the proposed use is unlikely to be significantly different from the high level of ambient background noise in the area.

The change of use will not result in the deterioration of the living conditions of nearby residents or impact on the character of the area. Therefore, the proposal complies with policy Hou 7 and NPF 4 policy 30(e)(i).

#### *Loss of residential accommodation*

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

The proposal would not result in the loss of residential accommodation. As such, NPF4 30(e) part (ii) does not apply.

#### Parking Standards

No parking is proposed. This is compliant with the requirements set out in the Edinburgh Design Guidance.

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

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

The change of use to an STL is acceptable with regards to residential amenity and the character of the area. The application is acceptable with regard to transport matters. The application is in accordance with the development plan.

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

#### Public representations

One representation was received in objection to the application. A summary of the representations is provided below:



*material considerations in support*

- Negative impact to neighbouring amenity. Addressed in Section C.

*non-material considerations*

- None.

### **Conclusion in relation to other material considerations**

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

### **Overall conclusion**

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

The change of use of the property to a Short Term Let will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation. The application is acceptable with regard to transport matters. The application is in accordance with the development plan and there are no material considerations which outweigh this conclusion. It is therefore recommended that the application is granted.

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

The recommendation is subject to the following.

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

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

**Further Information** - [Local Development Plan](#)

**Date Registered: 13 October 2023**

### **Drawing Numbers/Scheme**

01, 02, 03

Scheme 1

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

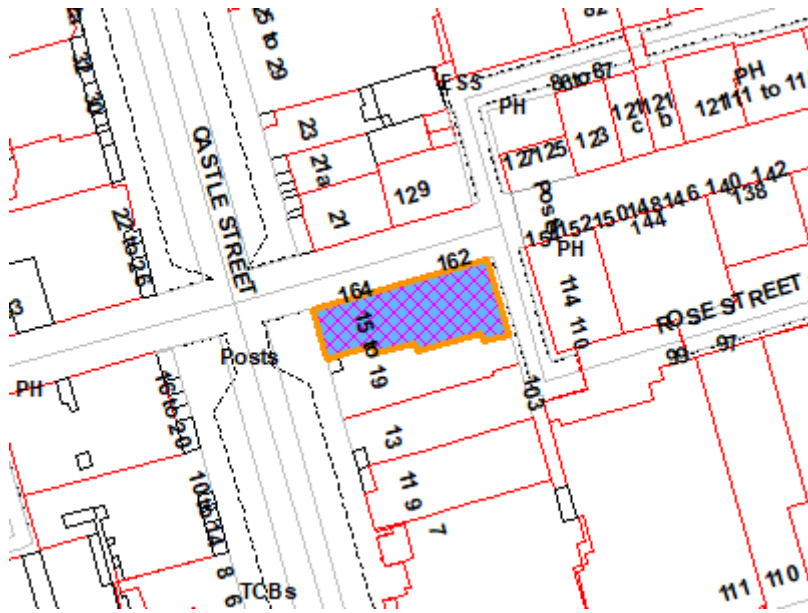
Contact: James Armstrong, Planning Officer  
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

**Summary of Consultation Responses**

No consultations undertaken.

**Location Plan**



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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 13 March 2024**

**Application for Planning Permission**

**land 178 Metres East of Humbie Cottage, Humbie Farm Road, Humbie Quarry.**

**Proposal: Erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with agricultural business at Merryhall Farm (as amended).**

**Item – Local Delegated Decision**

**Application Number – 21/05218/FUL**

**Ward – B01 - Almond**

**Report Returning to Committee**

On 28 February 2022 the Council issued a minded to grant decision notice under delegated powers for the erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with an agricultural business at Merryhall Farm. Consent was to be issued subject to the conclusion of an appropriate legal agreement to restrict the occupancy of the farmhouse to a person or persons employed in the agricultural holding known as Merryhall Farm.

The applicant was advised that the legal agreement should be included within a six month period. However, due to the size of the farm in question and complexities relating to landownership arrangements it has taken longer than anticipated to agree appropriate wording within the Section 75 Agreement and for the appropriate ownership drawings required for the agreement to be provided.

Following extensive discussions with the applicant, the Council's Legal Services has advised that appropriate wording has now been agreed and required drawings relevant to the agreement can now be provided. A legal agreement to restrict the occupancy of the proposed dwelling and to ensure the consented office remains linked to the farm can now be concluded in short course. A short extension of three months is requested to allow conclusion of the agreement.

## Recommendations

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

### SECTION A – Assessment

As noted above, on 28 February 2022 the Council issued a minded to grant decision notice under delegated powers for the erection of a 3-bedroom farmhouse with associated farm office for use in conjunction with an agricultural business at Merryhall Farm. Consent was to be issued subject to the conclusion of an appropriate legal agreement to restrict the occupancy of the farmhouse to a person or persons employed in the agricultural holding known as Merryhall Farm.

Due to the size of the farm in question and complexities relating to landownership arrangements it has taken longer than anticipated to agree appropriate wording within the Section 75 Agreement and for the appropriate ownership drawings required for the agreement to be provided.

Following discussions with the applicant, the Council's Legal Services has advised that appropriate wording has now been agreed and required drawings relevant to the agreement can now be provided. A legal agreement to restrict the occupancy of the proposed dwelling and to ensure the consented office remains linked to the farm can now be concluded in short course.

It is recommended that a further three months be allowed in order to conclude this agreement.

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

Or [Council Papers online](#)

**David Givan**  
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**The City of Edinburgh Council**

Contact: Christopher Sillick, Planning Officer  
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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

**Application for Planning Obligation  
1 Lanark Road, Kingsknowe, Edinburgh**

**Proposal: To modify clause 3 of the planning obligation relating to site at 1 Lanark Road and planning permission 18/08232/FUL.**

**Item – Committee Decision  
Application Number – 22/02424/OBL  
Ward – 00 - No Ward Number**

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

The application has been referred to the Development Management Sub-Committee because the proposal seeks to significantly modify the terms of the obligation and must be determined by the Development Management Sub-Committee.

### **Recommendation**

It is recommended that this application be **accepted and the agreement be modified** subject to the details below.

### **Summary**

Affordable housing is no longer proposed to be provided on site because it is not financially viable and a commuted sum is considered acceptable. Independent financial advice has been obtained, and the sum of £13,285 per unit (£166,000 in total) complies with LDP Policy Hou 6, NPF 4 Policy 16, Policy 18 and Non-Statutory Guidance on Affordable Housing where the commuted sum can be used within the ward or an adjacent ward.

The modification to the planning obligation, to provide a commuted sum, is acceptable and the legal agreement can be modified.

## **SECTION A – Application Background**

### **Site Description**

The site extends to an area of 0.34 hectares and is located on the corner of Lanark Road and Craiglockhart Avenue.

The site levels slope down from Craiglockhart Avenue to Lanark Road with a difference in levels of approximately three to four metres. The site was previously used for the display and sale of motor vehicles. Access is taken from Lanark Road via two bell-mouth junctions.

The surrounding area is mixed use.

To the south is a two-storey office/telephone exchange building that fronts Craiglockhart Avenue and a vacant site following the demolition of a five-storey vacant office building. Traditional one and two storey buildings are positioned to the west of the site, on the opposite side of Lanark Road and are mainly residential in use. The Union Canal, which is a Scheduled Monument, lies to the north of the site in an elevated position and includes the Prince Charles viaduct at this location.

### **Description of the Proposal**

This application seeks to modify the planning obligation (dated 22 January 2020) regarding on-site affordable housing forming a part of that development, (reference 18/08232/FUL).

That permission was granted for the existing motor dealership and erection of new residential development comprising 50 flats, upgraded vehicular access, new pedestrian access, car and cycle parking and associated soft and hard landscaping.

This application seeks to remove the existing Clause 3 provisions that require the provision of 12 on-site affordable housing units and to replace them with clauses providing the payment of a commuted sum to provide for off-site affordable housing provision calculated in relation to 12.5 units, being 25% of the original 50 units within the development.

The initial modification submission proposes a commuted sum of £45,000 per unit at a total of 12.5 units equating to a total contribution of £562,500. Those values were based on those off-site contributions captured in the legal agreement associated with a neighbouring development at 27 Lanark Road. That off-site affordable housing contribution was required by the Directorate of Planning and Environmental Appeals' Reporter in the determination of that appeal.

Following the outcome of the District Valuer's report this has now been amended to £16,000 per unit, equalling a total of £200,000.

Planning Circular 3 of 2012; 'Planning Obligations and Good Neighbour Agreements' (revised 2020), provides at paragraph 15:

*"The development will therefore not be viable and will not proceed if the Applicant has to provide 12 affordable housing units on site in terms of the Obligation. The Applicant has considered all options for the delivery of affordable housing and concluded that delivery in the form of a commuted sum is the only viable option to enable the development of this redundant brownfield site to proceed."*

The proposed form of replacement clauses, as proposed at this stage of the process, make provision for payment at the conclusion of this amended obligation, but does not place a limit on its use following that payment.

The clauses contained in the original obligation that also provide for financial contributions towards education infrastructure costs (£31,360(indexed from Q4'17)), car club contribution (£7,000(indexed from Q1'20)) and Traffic Regulation Order payment (£2,000), remain unaltered.

It should be noted that those contributions were required to have been paid prior to commencement of the development. The Council received a Notification of Initiation of Development (section 27B) on 9 August 2021. However, the applicant requested those payments should be deferred to a date following the outcome of this modification application.

### **Supporting Information**

- Supporting Statement; and
- Financial Appraisal.

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

### **Relevant Site History**

18/08232/VARY  
1 Lanark Road  
Edinburgh  
EH14 1TG  
Non Material Variation.  
VARIED  
29 April 2022

18/08232/FUL  
1 Lanark Road  
Edinburgh  
EH14 1TG  
Demolition of existing motor dealership and erection of new residential development comprising 57 flats, upgraded vehicular access, new pedestrian access, car and cycle parking and associated soft and hard landscaping (as amended to 50 flats).  
Granted  
25 February 2020

### **Other Relevant Site History**

18/02817/FUL  
27 Lanark Road  
Edinburgh  
EH14 1TG  
Demolition of existing public house and erection of building comprising residential apartments and associated development (as amended).  
Appeal Allowed  
16 October 2019

### **Pre-Application process**

There is no pre-application process history.

## **Consultation Engagement**

Housing Management and Development (Affordable Housing)

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 12 May 2022

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

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

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

**Number of Contributors:** 0

## **Section B - Assessment**

### **Determining Issues**

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that planning decisions, including the modification or discharge of a section 75 agreement, be made in accordance with the development plan, unless material considerations indicate otherwise.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness.

### **Assessment**

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

#### **a) the modification of the obligation is considered to be acceptable?**

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



- NPF 4 Liveable Places: Quality Homes Policy 16.
- NPF 4 Liveable Places: Infrastructure first Policy 18.
- LDP Strategy policy Del 1
- LDP Housing policy Hou 6

The non-statutory 'Affordable Housing Guidance (updated May 2021)' and is a material consideration that is relevant when considering the proposal.

NPF 4 Policy 16 (Quality Homes) encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

NPF 4 Policy 18 (Infrastructure first) encourages, promotes, and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking. Those provisions are to be in full compliance with the relevant Circular tests with regards to each development and determination made by the planning authority.

*"e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:*

- i. a higher contribution is justified by evidence of need, or*
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.*

*The contribution is to be provided in accordance with local policy or guidance."*

LDP Policy Del 1 (Developer contributions and infrastructure delivery) requires development to contribute to the specified infrastructure provision where relevant and necessary to mitigate any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development. In order to provide further detail on the approach to implementation of this policy and to provide the basis for future action programmes the policy states that Supplementary Guidance will be prepared to provide guidance on a number of matters including the required infrastructure in relation to specific sites and/or areas.

LDP Policy Hou 6 (Affordable Housing) states planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site. Whenever practical, the affordable housing should be integrated with the market housing.

The supporting text to the policy states that the provision on an alternative site may be acceptable where the housing proposal is for less than 20 units or if there are exceptional circumstances.

The Affordable Housing Guidance sets out the criteria for when the payment of commuted sums in lieu of on-site provision will be acceptable. All the below criteria should be met:

- There are exceptional reasons to avoid on-site provision, such as the site being poorly located for affordable provision, where conversions do not lend themselves to affordable provision, where it is evidenced to be unviable or unfeasible or where there are other advantages to the Council in accepting a commuted sum such as achieving more, higher quality or better-located affordable units elsewhere; and

- The Council is confident that that the commuted payments can be spent on providing affordable units within the same area of the city within ten years of the payment being made; and

- The proposal is for less than 50 dwellings or is for a conversion.

The current section 75 agreement sets out in the Affordable Housing clauses the requirement for 25% of the total unit numbers to be affordable housing units. With various clauses in relation to the tenure, location, design standards and milestones. In the details of the original application the total number of residential units was to be 50 dwellings, with the number of affordable housing units to comprise 12 units: 2 studios, 6 1-bed, 3 2-bed and 1 3-bed apartments. That would equate to 24% provision, 25% equating to 12.5 units.

The supporting financial details of the development and the affordable housing paper have been reviewed. The applicant has provided details that with the present construction cost inflation the average construction cost of each unit on site would exceed £200,000 a figure beyond the threshold for viability for a Registered Social Landlord (or RSL). That figure excludes any land value or profit.

The supporting documentation has been independently checked. On the basis of land value and construction costs this value equates to £13,285 per unit, therefore resulting in a total off-site affordable housing contribution of £166,000 for the 12.5 units (25% of the overall development).

The District Valuer recommends a commuted sum totalling £166,000. In this instance, and in the absence of any proposed trigger point for the payment of this contribution by the applicant, it is deemed that this would be full contribution payment (index linked from the date of the District Valuers determination (i.e. Quarter 2 of 2023)) and paid within 6 weeks of this determination, as the development is close to completion on the site.

It is concluded that the proposed commuted sum meets the requirements of LDP Policy Hou 6, the criteria set out in the Affordable Housing Guidance, and NPF 4. Having considered the proposals, the information submitted is acceptable and the commuted sum can be used within an agreed timeframe within the ward or an adjacent ward.

**b) the proposal meets the tests of Circular 3/2012**

Scottish Government Circular 3/2012 (updated 18 November 2020) - Planning Obligations and Good Neighbour Agreements

The circular explains that obligations are to be promoted in strict compliance with the five policy tests. These tests relate to necessity; planning purpose; relationship to the development; scale and kind; and reasonableness.

#### Necessity:

In terms of the 'necessity' test, the planning obligation should be necessary to permit the proposed development. With a financial contribution a planning condition cannot be used.

The proposal seeks to modify an existing legal agreement to change the requirements for affordable housing to use a commuted sum. The use of a planning obligation for this matter continues to be required. The use of an obligation is appropriate, thereby satisfying the 'necessity' test.

#### Planning Purpose:

The Circular states that planning authorities should satisfy themselves that an obligation is related to the use and development of land. This judgement should be rooted primarily in the development plan.

LDP Policy Hou 6 (Affordable Housing) sets out the parameters for assessing and requiring affordable housing whilst noting that provision should normally be on-site. The Affordable Housing Guidance provides further information on using the policy, including the circumstances for when a commuted sum will be acceptable. This test is met.

NPF 4 Policy 16 (Quality Homes) encourages, promotes and facilitates the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

NPF 4 Policy 18 (Infrastructure first) encourages, promotes, and facilitates an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

This test is met.

#### Relationship to the proposed development:

Planning obligations must relate to the development being proposed. There should be a clear link between the development and any mitigation offered as part of the developer's contribution.

The information provided justifies a commuted sum in this instance and relates to the specific details of the development.

However, the applicant's offer of £16,000 per unit, providing a total of £200,000, exceeds the level as calculated by the District Valuer. As such, and in accordance with the provisions of Circular 3 of 2012, it cannot be accepted.

This Circular test states that:

***"Paragraph 18. Planning obligations should not be used to extract advantages, benefits or payments from landowners or developers which are not directly related to the proposed development. The obligation should demonstrate that this test is met by specifying clearly the purpose for which any contribution is required, including the infrastructure to be provided."***

#### Scale and kind:

In terms of the 'scale and kind' test, the Circular states that the planning obligation must be related in scale and kind to the proposed development.

The requirement for 25% affordable houses as part of the original application was acceptable in scale and kind and met the requirements of LDP Policy Hou 6 and NPF 4 policy 16.

The Circular does state that entering into an obligation can have financial consequences for developers and may make proposals uneconomic.

In this circumstance, the modification to provide a commuted sum in lieu of on-site affordable housing provision meets the 'scale and kind' test as it is tailored to this specific development.

#### Reasonableness:

In terms of the 'reasonableness' test, the Circular provides a number of questions of which a negative answer to any one would generally render a planning obligation inappropriate.

(i) is an obligation, as opposed to conditions, necessary to enable a development to go ahead?

(ii) in the case of financial payments, will these contribute to the cost of providing necessary facilities required as a consequence of or in connection with the development in the near future?

(iii) is the requirement in the obligation so directly related to the regulation of the proposed development that it should not be permitted without it?

(iv) will the obligation mitigate the loss of, or the impact upon, any amenity or resource present on the site prior to the development?

Taking these questions in turn:

- i) Yes, the obligation cannot be secure through a condition.
- ii) Yes, the commuted sum would be utilised elsewhere in the area.
- iii) Yes, an obligation is required, or it fails the policy requirement for affordable housing.
- iv) Residential led mixed use development that converts a number of former industrial buildings. Affordable housing is required by the LDP and NPF 4.

The affordable housing policy is well established and in assessing the supporting

information for the proposed commuted sum it is reasonable to take this approach.

The tests of the circular are met.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

None received.

**Conclusion in relation to identified material considerations**

None of the identified material considerations outweigh the proposal's compliance with the Development Plan.

**Overall conclusion**

Affordable housing is no longer proposed to be provided on site because it is not financially viable and a commuted sum is considered acceptable. Independent financial advice has been obtained, and the sum of £13,285 per unit (£166,000 in total) complies with LDP Policy Hou 6, NPF 4 Policy 16, Policy 18 and Non-Statutory Guidance on Affordable Housing where the commuted sum can be used within the ward or an adjacent ward.

The modification to the planning obligation, to provide a commuted sum, is acceptable and the legal agreement can be modified.

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

The recommendation is subject to the following;

**Conditions**

## Reasons

## Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

## Background Reading/External References

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

**Further Information - [Local Development Plan](#)**

**Date Registered: 6 May 2022**

## Drawing Numbers/Scheme

01

Scheme 1

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

Contact: John Maciver, Senior planning officer  
E-mail: [john.maciver@edinburgh.gov.uk](mailto:john.maciver@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Housing Management and Development (Affordable Housing)

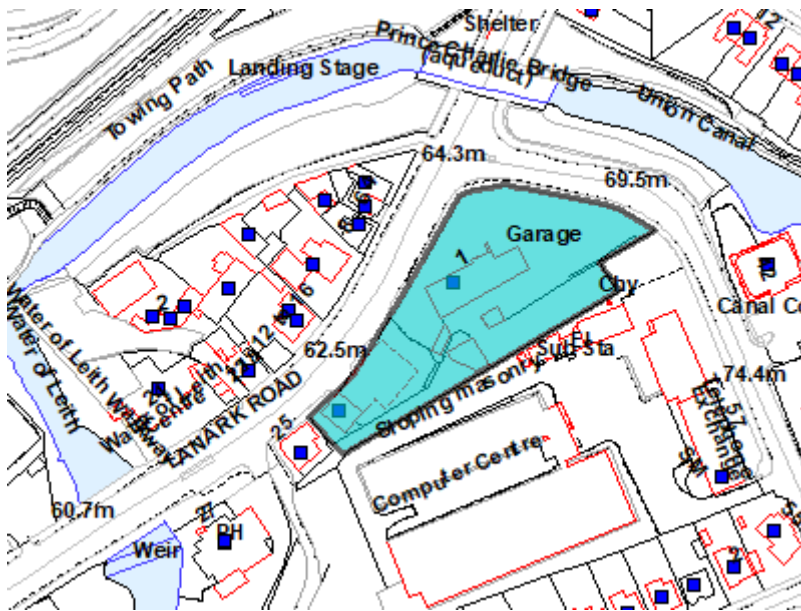
COMMENT: The applicant seeks amendments to the existing Section 75 agreement to reflect that the affordable housing will not be able to be delivered onsite.

- The costs of the development have been independently checked and verified.
- The average construction cost exceeds £200,000 per home.
- The District Valuer calculated a commuted sum based on nationally accepted principles.
- The sales values, checked by the DV, are not sufficient for a viable scheme.
- Their recommendation is a commuted sum of £166,000 in total. The applicant has proposed an increased sum of £200,000 in total or £16,000 per unit for the required number of affordable homes.
- The sum would be secured through a Section 75 legal agreement.

DATE: 24 January 2024

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

## Location Plan



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## Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 13 March 2024**

### **Application for Planning Permission**

**124 Salamander Street, 1 - 3 Salamander Yards, South Leith,  
Edinburgh**

**Proposal: The proposals comprise a 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended).**

### **Item – Committee Hearing**

**Application Number – 22/03430/FUL**

**Ward – A13 - Leith (Pre-May 2017)**

### **Report Returning to Committee**

On 21 June 2023, the Development Management Sub Committee resolved to grant planning permission subject to the conclusion of a legal agreement for developer contributions for education infrastructure of £627,446, healthcare infrastructure of £93,555 and the delivery of 35 Affordable Housing units.

The legal agreement has yet to be concluded and further time is required to finalise the legal agreement. The Chief Planning Officer does not have delegated powers to extend the duration for conclusion of the legal agreement and, therefore, the application is referred to the Development Management Sub Committee. A further three months is sought to conclude the legal agreement.

### **Recommendations**

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

### **SECTION A – Assessment**

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Developer contributions for education infrastructure of £627,446, healthcare infrastructure of £93,555 and the delivery of 35 Affordable Housing units are required. A legal agreement is necessary to secure the developer contributions.

The draft terms of the legal agreement are close to agreement and there are no outstanding matters to be concluded other than signing. It is recommended that an extension of three months is given to conclude the legal agreement.

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

Or [Council Papers online](#)

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

Contact: Rachel Webster, Planning Officer  
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## Development Management Sub-Committee Report

**Wednesday 13 March 2024**

**Application for Planning Permission  
525 Ferry Road, Edinburgh, EH5 2DW.**

**Proposal: Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking (as amended).**

**Item – Committee Decision  
Application Number – 23/03649/FUL  
Ward – B05 - Inverleith**

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

The application is referred to the Development Management Sub-Committee as 82 objections, 8 neutral comments and 5 support comments to the proposals have been made. 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 complies with National Planning Framework 4 and Edinburgh Local Development Plan policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met. Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

The City of Edinburgh Council as Planning Authority direct that under section 58 1(b) of the Town and Country Planning (Scotland) Act 1997 in respect of planning application 23/03649/FUL the substitution for the period of 3 years with the period of 1 year to commence development.

There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application site measures 1.37 ha and is the former data-centre office building, located north of Edinburgh at 525 Ferry Road. The building dates early 2000s and is three storeys high with a basement car park. The layout of the building is largely open plan with a glazed façade and flat roofs. There are currently 220 car parking spaces within the site with substantial areas of hardstanding.

The building has been vacant since 2018.

The site is served by a separate vehicular and pedestrian access from Ferry Road with the frontage occupied by mature trees and a stone boundary wall.

The site shares a boundary with Fettes playing fields to the east, a three to five storeys residential development within Kimmerghame estate to the south, a five to six storeys high Village Hotel/Gym to the west and Ferry Road to the north. On the north side of Ferry Road is Leonardo Aerospace and Morrisons supermarket.

Ferry Road is a key transport corridor with cycle lanes and is served by the local bus network (21, 27, 29, 37,38, 29). Crewe Toll roundabout lies 87 metres west from the site.

There are trees within the site. Group 1 trees to the south of the site consists of Leyland cypress. Group 2 trees to the north of the site include various species of broadleaf trees. The trees to the east of the site are within Fettes playing fields.

The site to the east lies outside Inverleith conservation area.

### **Description of the Proposal**

The application is for the proposed demolition of existing office building and the development of residential with associated commercial and ancillary uses, landscaping, and parking.

A total of 256 flatted units are proposed, with 38 one-bedroom (20%), 89 two-bedrooms (46%) and 64 three-bedrooms (34%).

It is proposed to provide 65 affordable units within Block F. The mix of affordable housing includes 19 one-bedroom (39%), 33 two-bedrooms (41%) and 13 three-bedrooms (20%).

The proposal includes 1059m<sup>2</sup> of mixed-use workspace across four units at the ground floor level within Block E which will front onto Ferry Road. The following class uses are proposed:

- Class 1a (Shops, and financial, professional and other services);
- Class 3 (Food and drink - restricted café use to reheat non-cooking);
- Class 4 (Business); and
- Class 10 (Non-residential institutions)

A new vehicle access and egress is to be created on Ferry Road. Vehicle movement within the site will be limited to the commercial frontage for drop offs/deliveries/emergency vehicles. Vehicle movement also includes access and egress to the basement level for residential car and cycle parking, along with refuse store/collection.

The development layout is arranged in six blocks (A, B, C, D, E and F) and will be seven storeys high with a flat roof. Block A to E will have a recessed rooftop. The main treatment finish for the blocks is to include different tones of buff sandstone facing brick with aluminium cladding for the recessed top storeys. The design detail includes projecting balconies, Juliette balconies, roof terraces and full height glazing. The flat roofscape is to have a sedum finish with the exception that block F will have a blue/green roof.

The commercial frontages on the ground floor will have full height curtain glazing (doors and windows) with white pre-cast concrete wall panels, including projecting white pre-cast concrete string course. The commercial frontage will be interrupted by sections of aluminium rainscreen cladding with glazed entrance doors with full-height side panels on the ground floor, providing controlled access to residential.

A new public realm/landscaped space is proposed along Ferry Road. Alterations to existing stone walls includes reduction to its height and formation of new openings to enhance permeability for pedestrians and cyclists. At the centre of the site is a communal courtyard area, providing shared amenity spaces with footpaths and landscaping throughout the site. A SUD's pond is to enclose the south and east sections of the site with a boardwalk. Private communal gardens and patios within the development are to serve the residents only.

A link between the Village Hotel to the west and the site is proposed to encourage active travel. A future link between the Kimmerghame development to the south and the site is also proposed.

Within the basement level, 77 car parking spaces are to be provided. This includes 10 accessible spaces and 25 EV charging spaces for the 256 residential units. A further three car parking spaces on the ground level is proposed for taxi drop offs/deliveries, including one disabled parking bay.

Secure cycle stores are located within the basement and Mobility Hubs on the ground floor. The proposal includes 589 secure cycle parking spaces for the 256 residential units as follows: 235 Sheffield stands (40%), 119 non-standard (20%) and 235 double-stack (40%). An additional 44 visitor cycle parking spaces are proposed on the ground floor, adjacent to communal entrances and within the courtyard garden.

It is proposed to remove thirty-three category B and one category C trees. Group 1 trees are to be removed in their entirety. Group 2 trees are to be selectively removed. Approximately 68% of the site area is to be landscaped with trees, shrubs, and wildflower planting.

Energy demand will be met through low energy LED lighting, heat recovery ventilation, thermostatic heating controls, low water consuming fittings and energy metering and display monitors.

### **Supporting Information**

- Design and access statement
- Planning statement/community benefit/affordable housing
- Sunlight, daylight and overshadowing study
- Town and visual impact assessment
- Pre-application consultation report
- Archaeological desk-based assessment
- Tree survey report
- Preliminary ecological appraisal, bat and biodiversity net gain report
- Biodiversity metric
- Landscape ecology and biodiversity report
- Pre-demolition audit
- Embodied carbon and circular economy summary
- Energy statement
- Flooding, drainage and surface water strategy
- Sustainability statement
- Commercial market report
- Air quality assessment
- Noise impact assessment
- Phase 1 desktop site investigation report
- Review of estate management and maintenance strategy
- Stage 1 road safety audit
- Transport assessment
- Odour risk assessment

These documents are available to view on the Planning and Building Standards online portal.

### **Scheme one**

The original scheme was amended to address cycle parking provision, waste requirements and to provide a stronger definition between private and public spaces.

### **Relevant Site History**

99/03373/FUL  
525 Ferry Road  
Edinburgh  
EH5 2DW  
Office development, with associated car parking and landscaping (as amended)  
Granted  
24 February 2000

22/05019/PAN  
525 Ferry Road  
Edinburgh  
EH5 2DW

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping and parking.

Pre-application Consultation approved.

21 October 2022

22/05991/SCR  
525 Ferry Road  
Edinburgh  
EH5 2DW

Proposed demolition of office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking.

EIA Not Required

13 December 2022

## **Other Relevant Site History**

### **History of neighbouring sites**

Site to west:

04 July 2013 Demolition of existing office building and construction of five storey hotel (Class 70 with associated facilities, car parking, hard and soft landscaping (application reference 12/04235/FUL).

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Children and Families

Environmental Protection.

Transport Planning

Flood Planning

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

### **Publicity and Public Engagement**

**Date of Neighbour Notification:** 15 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:** 95

## 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 policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 6, 7, 9, 12, 13 and 18;
- NPF4 Liveable Place policies 14, 15, 16, 18, 20 and 22;
- NPF4 Productive Place policies 25 and 28;
- L DP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7 and Des 8;
- LDP Environment policies Env 12, Env 21 and Env 22;
- LDP Employment and Economic policies Emp 9;



- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6 and Hou 7;
- LDP Retail policies Ret 6 and Ret 11;
- LDP Transport policies Tra 1, Tra 2, Tra 3 and Tra 4; and
- LDP Delivering the Strategy policy Del 1.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Housing, Design and Transport policies and other Environment policies listed above. Non-statutory 'Affordable Housing Guidance' is relevant to assessing affordable housing policy.

## Principle

### *Employment sites*

LDP policy Emp 9 sets out the criteria for proposals to redevelop employment sites or premises in the urban area for uses other than business, industry, or storage.

The site was last in use as an office building and has been vacant since 2018. The Planning statement cites several factors that make the building unattainable for its continued use (utility cost, inefficiency of the mechanical and electrical systems, security and impact of major flood in November 2022). The site has been marketed to the office market for over three years and remains unlet, indicating that there is no demand for this type of building in this location. When last marketed, the building had an EPC C rating with no other environmental accreditations.

The existing building was purposely designed as a combined bank office and data centre. However, both functions have become redundant as technology, working practices, and workplaces have evolved. The building was designed for single occupancy with no flexibility or multi-occupancy considered at the outset to allow the building to be future proofed. There is neither a realistic or viable scope to repurpose and retrofit the existing building for multi-occupation and this is a relevant material consideration in the assessment of this application.

The proposal along the northern frontage within Block E includes 1059m<sup>2</sup> of mixed-use workspace across four units at the ground floor level which would provide for a range of business users (Class 1a, 3, 4 and 10). As detailed in the assessment below, the introduction of housing on this site will not prejudice or inhibit the activities of nearby employment uses.

Compliance with LDP policy Emp 9 is met.

### *Demolition*

NPF 4 policy 9 supports development proposals that will result in the sustainable reuse of brownfield land, including vacant land and buildings with demolition regarded the least preferred option.

NPF 4 policy 12 seeks to facilitate development that is consistent with the waste hierarchy in terms of reduction and reuse of materials.

The accompanying embodied carbon summary considers demolition and retention scenarios. It shows that retention of the existing building would have a lower embodied carbon impact but would not achieve the biodiversity gains proposed.

Having regards to embodied carbon, the proposed development would allow the site to be adapted sustainably to a new use with existing infrastructure that would encourage local living and 20-minute neighbourhoods in line with NPF4 policy 15. The basement level will be retained for underground parking to support a high development density on the site that would conserve a degree of embodied energy.

In terms of zero waste, the accompanying circular economy summary considers a range of circular economy principles to minimise environmental impacts, maximise the value extracted from materials and prioritise the reuse and recycling of materials.

Compliance with NPF4 policies 9 and 12 is met.

### *Mixed uses*

A mix of uses is proposed (Class 1a, 3, 4 and 10) for the commercial units on the ground floor and this is market units flexibly.

Environmental Protection were consulted on the proposal and advises that no noise assessment or mitigation details have been provided to ensure that structurally attached residential properties will not be affected by noise from the proposed commercial operations. It should be noted that the construction of the premises through the building warrant stage will ensure that there is appropriate noise mitigation in place before work begins.

The introduction of a Class 4 (Business) use is acceptable as this is a use that can be carried on in any residential area without detriment to the amenity of that area.

The proposed Class 3 (Food and drink) use is intended to be for a restricted café use. It should be noted that no ventilation details have been provided. It will therefore be necessary to condition and restrict the proposed Class 3 use to ensure that no cooking takes place. This is to ensure compliance with LDP policy Hou 7 and Ret 11.

The proposed Class 10 (Non-residential institutions) is not supported by Environmental Protection. A Class 10 use can include a number of uses which have the potential to seriously impact on residential amenity, such as place of worship or a nursery. The applicant has agreed to remove reference to Class 10 use not being approved, or alternatively a suitably worded condition to ensure that no Class 10 use will be permitted without a detailed acoustic assessment being submitted to and approved. Given that acoustic impacts and mitigation for a Class 10 use is not known, it would be inappropriate to consent/condition this element of the proposal. A separate planning application would be required to assess a Class 10 use in more detail and to ensure that any acoustic measures can be conditioned and enforced.

The proposal seeks to introduce Class 1a (Shops, and financial, professional and other services) use. In terms of the town centre first sequential approach, the proposal is an out of centre location where NPF 4 policy 28 and LDP policy Ret 6 applies.

The proposed Class 1a use is consistent with NPF4 policy 28 (c) as it seeks to create a new community with 256 residential units proposed with a need for neighbourhood shopping to contribute to local living and 20-minute neighbourhood. This is also in line with NPF4 policy 15. While the proposal includes 1059m<sup>2</sup> of mixed-use workspace and is intended to be marketed for Class 1a, 3 and 4, it is not known if it will result in a scenario where all the units end up being used for Class 1a use only. The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended in April 2021) includes financial, professional, and other services within retail/shop uses. The LDP recognises the benefits in providing small scale, convenience stores (up to 250sq.m gross floorspace) in locations easily accessible on foot or by cycle. In this case, it is not necessary to demonstrate that there is no site suitable or to provide a retail impact assessment. In addition, it is not necessary to impose a floorspace restriction on a Class 1a use in this location.

Conditions are required to exclude a Class 10 use and to make it clear what class uses are permitted within the proposed development. Compliance with NPF4 policy 28 and LDP policies Ret 6, Ret 11 and Hou 7 is addressed.

### *Housing*

NPF4 policy 16 f) (ii) states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods.

The site lies within an urban area defined in the Edinburgh Local Development Plan (LDP). Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan.

As detailed in the assessment above and below, the principle of housing on the site is supported as a policy compliant scheme can be delivered.

Compliance with NPF 4 policy 16 f) (ii) and LDP policy Hou 1 is met.

### Development design and layout

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 (healthy, pleasant, connected, distinctive, sustainable, and adaptable).

This part of North Edinburgh is characterised by low density suburbs, large buildings, and car parks. The Crewe Toll roundabout/Ferry Road is currently dominated by vehicles with no active frontage.

The pattern of development of North Edinburgh has been shaped by the large private estates which have evolved into the large areas of green space, comprising Fettes College, Inverleith Park and Botanic Gardens which separates the north of the city from the city centre. Whilst the green space that essentially forms the Inverleith Conservation Area has positive amenity benefits, it makes the North of Edinburgh appear disconnected from the city centre and further away than it is.

The proposal is for a high density of development where it equates to 186.86 units/ha and this does not reflect the development pattern of its surroundings. However, the proposed development, by virtue of its scale, form, massing, detailing and materials will introduce an assertive change along Ferry Road with new uses to create a welcoming and active frontage compared to existing situation.

The proposal retains the existing underground car parking in which individual blocks are centred around a high landscaped courtyard above with seating furniture, with amenity spaces extended to boardwalks with SUDs ponds. Pedestrian priority is prioritised with road space within the development kept to a minimum/restricted to the north and east of the site and this is welcomed.

Due to the height and scale of the development, the proposal will be a notable building from arterial routes in the northwest of the city. The Townscape and Visual Impact Assessment (TVIA) demonstrates through extensive analysis that the proposal will not impact adversely on its surroundings, including the setting of the Inverleith Conservation Area and city skyline. At seven storeys in height, the proposed development would exceed the upper limits of what would sit comfortably within the canopy heights of the mature trees in Inverleith and rises above the Village Hotel's five storeys and six storeys Kimmerghame development, with much lower rise housing to the southwest. There is, however, potential to allow a bolder treatment along Ferry Road frontage in which the development would be set back.

A TVIA was provided on request to show the impact of the proposed tree removal of Kimmerghame side. As mentioned in the tree assessment below, the removal of the trees is to allow this section of the site to be replaced with more biodiverse planting and to achieve integration with the adjoining residential areas. While the removal of the trees would introduce a change, the visual impact will not be adverse.

Representations received comment that the proposed seven storey development is too high. It should be noted that blocks shown as six storey (+ one) have a recessed rooftop storey with a lightly coloured aluminium cladding finish which is to create a 'lightweight' effect. This approach will help to reduce the overall impact of the proposed development height and to allow the detailing and arrangement of the blocks to achieve articulation/interest as opposed to having a dull/monolithic impact.

In response to the setting of the individual blocks within the landscape, the development will be finished in a complimentary range of brick tones that reflect a gradation of white-buff to blonde colours. The tones have been selected to bring variety and interest to the street edge and character to the individual buildings. A high-quality light-buff brick has been selected for Blocks A-D. A blonde brick has been selected for the public frontage of Blocks E and for Blocks F in response to the existing sandstone boundary wall and the wider character of Edinburgh as a city.

To express the public frontage, the ground floor of Block E is to be finished in a high-quality pre-cast concrete with large commercial glazed openings. The ground floor elements are bound together through the site by the use of a rusticated brick base detail which is to speak to the landscape character of the new neighbourhood.

The prominent corner building facing Crewe Toll is elevated with a vertical emphasis and an alternative masonry tone has been used to signify this and to mirror the corner of the original Ferranti Building.

The proposed use and justification of the simple and refined palette of materials is acceptable. The proposed treatment finish will enable the development to achieve a sense of place that will be distinctive and attractive.

While the TVIA confirms no adverse impact, this will depend on the final treatment finish which has varying degrees of lightness which the EDG cautions against. It will therefore be necessary to condition all external treatment finishes to ensure no adverse visual impacts. This is to ensure compliance with LDP policy Des 4.

Wider network connections to enhance community safety (active frontage) and urban vitality in this location would be achieved with the introduction of a new public realm/landscaped space along the commercial frontage on Ferry Road. This will provide safe and convenient connections on foot and by cycle from Ferry Road in line with LDP policy Des 7 and Des 8. Within the courtyard area and periphery of the blocks, the proposal includes extensive network of paths with multiple choice for amenity spaces/enjoyment. The retention of existing features within the site, including trees and alteration to existing boundary walls along Ferry Road frontage will add and strengthen its character. This is in line with LDP policy Des 3.

The proposed internal street level to west boundary will drop below the adjacent level of the Village Hotel to access the below ground parking. To the north, level access will remain to the parking areas to the Village Hotel frontage and restaurant.

In terms of connectivity/walkable communities, a link between the Village Hotel to the west of the site is proposed. While the delivery of this link would require the agreement of the adjacent landowner to implement the connection, it can be delivered to the site boundary for shared footway/cycle use with 1:22 gradient level which is acceptable. A future link between the Kimmerghame development to the southwest is indicated but would require agreement of the adjacent landowner to implement this connection. It should be noted however, that the delivery of this link may be constrained by the proposed SUDs. While details of this future link are not fully known at this stage, the potential to enhance active travel measures (walking and cycling) in the future is demonstrated and this does not preclude assessment of the scheme overall. All paths within the landscape areas are generally at slopes gentler than 1:20 to provide accessible routes and this is acceptable.

Landscape features within the development includes open space at ground level, terraces and roofscape. In terms of its layout and treatment of soft landscape and public realm, the landscape strategy sets out a logical series of spaces to achieve distinctiveness and this is acceptable.

The drawings were amended to provide a clearer definition between private and public open spaces with the width of the entrance to private communal back green from the street to the west of the site reduced. This was to enhance the level of privacy for communal gardens from those passing through the area and, particularly if the adjacent site was to be redeveloped and connected to this application.

The SUDs strategy across the site is positive in terms of its use of blue-green roofs, swales, rain gardens and suds basins.

Representations receive state that the proposed flat roof will attract seagulls and pigeon nesting which is currently an issue within Kimmerghame estate. The proposed development incorporates a green roof, which is designed to enhance biodiversity/habitat benefits and this is acceptable. It should be noted that Kimmerghame estate do not have green roofs.

It should be noted that the landscape plans refer to 'tree types and planting mixes' but do not confirm their species or characterisation despite there being lots of examples in the landscape and ecology strategy. A condition requiring further details of the landscape plan, including hard and soft landscaping, boundary treatments and street furniture are required. This is to assess this matter in more detail and ensure that a high-quality landscape design is delivered.

In line with NPF 4 policy 20 (e), a landscape maintenance schedule was provided, and this appears to be acceptable. The proposed development will be managed by private factoring.

While the proposed development is for a high density of development, the proposal demonstrates a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features. The six qualities of successful places will be achieved through the proposals high-quality development design and landscaping.

Compliance with NPF 4 policies 14 and LDP design policies is met.

### Trees

NPF4 policy 6 seeks to protect and expand tree covers. LDP policy Env 12 states that development proposals will not be permitted if likely to have a damaging impact on a tree protected by a Tree Protection Order (TPO) or any other tree or woodland worthy of retention unless for good arboricultural reasons. Where acceptable, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The trees within the site are not protected by a TPO. To facilitate the construction of the site, 43 trees along the edge of Ferry Road would be removed with the loss mitigated through the planting of 111 new trees and this is acceptable. On the Ferry Road frontage, 12 selected trees would be retained to enhance community security and pedestrian character, and this is welcomed.

Group 1 trees (Cypress hedging) to the south of the site are to be removed and this is acceptable. The Group 1 trees previously had been planted to separate the existing and residential uses and is constrained by a retaining wall that overshadows the site. Its removal would be replaced with more biodiverse planting and allow for integration with the adjoining residential areas. In addition, the Group 1 trees were assessed as being category C trees, meaning that they are of low quality with a limited lifespan of at least ten years, whereas the development proposals make provision for a suitable long-term structural tree planting in this location and would avoid overshadowing the planted swale.

While the proposal will involve the removal of trees, it will also replace extensive areas of hardstanding with soft landscaping and introduce a greater range of habitats through use of blue/green infrastructure and various SUDs treatments proposed at roof, courtyard level and to the south and east of the development.

Outside the application, the trees to the east of the site within Fettes playing fields are protected. It has been confirmed that the installation of the proposed SUDs will not result in excavation within the root protection of these trees. The submitted Arboricultural Impact Assessment (AIA) advises the need for an Arboricultural Clerk of Works to oversee the tree works and protection due to the proximity between the works and adjacent trees including removal of existing block paving, gas sub-station and installation of SUDs. A condition therefore is required to ensure that the works will not have a damaging impact on protected trees.

Overall, impacts on existing trees have been identified and addressed. The identified removal of trees and their replacement is acceptable. Compliance with NPF 4 policy 6 and LDP policy Env 12 is met.

### Neighbouring amenity

NPF 4 policy 14 and LDP policy Des 5 seeks to safeguard the amenity of neighbouring developments.

A sunlight, daylight and overshadowing study was provided, demonstrating the before and after situation.

### *Daylight*

The daylight study considers impact to existing residential buildings to the south of the proposed development. The results demonstrate that the majority of the windows achieve the Vertical Sky Component (VSC). For the windows that have VSC less than 27% in the post development situation, the analysis against the allowable 0.8 reduction factor concluded that all windows comply. The proposal will not result in adverse loss of daylight, and this is acceptable.

### *Privacy*

Representations received comment that the proposed development height and removal of existing trees would result in loss of privacy. EDG advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. The proposed six storeys (+ one storey recessed rooftop) Block A to Block C will have a privacy distance approximately 20 metres six storeys high residential blocks on Kimmerghame Place and this is separation distance is acceptable. While there would be a change in the level of privacy currently enjoyed by existing residents within Kimmerghame Place, it should be noted that the trees to the south of the site are within the control of this application.

The distance between Block A and to the rear garden of number 2 to 10 Kimmerghame Row is approximately 53 metres and this is acceptable. It should be noted that the windows on the west elevation on Block A do not face directly onto opposing windows from this distance.

While the rooftop terraces would be capable of overlooking into the gardens, there would be no more of an impact compared to the overlooking from existing developments on Kimmerghame Place. The proposed development will not result in adverse loss of neighbouring privacy levels.

### *Sunlight*

A sun path analysis was provided to show pre and post residential development during the Spring Equinox (21st March). The adjacent Village Hotel to the west of the site comprises of a visitor carpark but does not include any amenity areas. Shading to Fettes Playing Fields to the east of the site, which occurs during afternoon hours, is similar for both the current and proposed situation. This is due to the existing high growing trees rather than the development proposed.

Shading to the amenity areas belonging to the apartment blocks on Kimmerghame Place, directly south of the proposed development is shaded by the existing apartment blocks themselves. Therefore, the proposal will not introduce additional loss of sunlight. It should be noted that this section comprises of parking bays with landscaped sections of grass and shrubs.

The sunlight study demonstrates that the whole of the rear garden amenity space at number 2, 4, 6, 8 and 10 Kimmerghame Row receive more than two hours of sunlight on the 31st of March (spring equinox). The proposal therefore will not result in adverse overshadowing to existing amenity spaces, and this is acceptable.

### *Noise*

The proposal is compatible with nearby residential uses and will not exacerbate the situation in terms of noise.

Overall, the proposed development will not result in adverse loss of daylighting, sunlight, or privacy. The proposal is compatible with nearby residential uses in terms of noise.

Compliance with NPF 4 policy 14 and LDP policy Des 5 is met.

### Development amenity

#### Agent of change - Noise

Under Section 25 of the Planning (Scotland) Act 2019, the application site is identified as being a 'noise sensitive development' due to its proximity to Village Hotel to the west of the site which has items of plant located on the roof and ground level. In addition, the hotel has a function suite at the south-east end of the building with can host events and amplified music. The provisions of the Act detail the Agent of Change (AofC) principle which seeks to protect existing owners and occupiers, including cultural venues or facilities, from any additional burden from new noise sensitive developments. The onus is on the new development to ensure compliance on its own land.



A Noise Impact Assessment (NIA) was provided, and Environmental Protection were consulted. The NIA covered road traffic, fixed plant, and music. Environmental Protection do not support the use of closed windows ventilation as a form of mitigation.

It should be noted that 10% of habitable rooms (76 of 788 total) require closed windows ventilation for music noise and this is a small minority. The inclusion of MVHR improves energy performance. Given the urban setting of the site, particularly nearby road traffic noise, background ambience noise during the day is to be expected. For this reason, there are exceptional circumstances to allow a 'windows closed approach' for 10% of habitable rooms to mitigate against music noise. In accordance with the Agent of Change (AofC) Principle, consideration has been given to impacts on future occupiers.

Further to the above, it should be noted that 49% of habitable rooms across the development (386 of 788 total) require closed window assessments and alternative means of ventilation to appropriately mitigate road traffic noise. A further 2% of habitable rooms (18 of 788 total) require closed window assessments and alternative means of ventilation to appropriately mitigate plant noise from the adjacent hotel.

Environmental Protection comment that the NIA did not include assessment in relation to heat air source pumps (ASHP). It should be noted that ASHP are not proposed, and the applicant has confirmed that there would be no centralised ASHP on the roof. The flats will have their own electric MEV heat pumps internally. It is expected that each of the four commercial units would have variable refrigerant flow (VRF) located within the internal plant rooms at the rear. Any plant associated is expected to achieve NR25 targets with windows open at the nearest receptors both within and outwith the development. Therefore, a condition is required to ensure that all plant equipment do not breach NR25 target when measured within the nearest living apartment.

In summary, future occupiers will have acceptable levels of living amenity within the development in relation to noise in this urban setting.

#### *Nearby cooking odours*

The proposed development will have windows higher than the existing hotel cooking ventilation extraction point. Environmental Protection has raised concerns that hotel cooking odours have the potential to impact on the residential amenity of the proposed properties and the potential for complaints to be received.

An Odour Risk Assessment was carried out. The report advises that there are eight units on the west side of the proposed development on floors five and six that may be affected by any odour emitted from the Village Hotel kitchen exhaust. These units are located between 27- 30 metres to the northeast, east and southeast of the source. It is likely that these units will be more susceptible to odour effects during south westerly and westerly winds. A mechanical ventilation system has been included in some of the development plans, including the apartments likely to be affected by odours. The report advises that those properties are already likely to require to keep their windows closed due to noise and so the closed windows will act to address odour concerns as well.

As with noise, Environmental Protection do not support the use of closed windows ventilation as a form of mitigation for odour. However, the use of closed windows will only affect eight of the proposed units (3%) and this is a small minority.

### *Mix*

EDG advises that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. Out of the 256 units proposed, 64 will be for three-bedroom units (34%) and this comfortably exceeds the 20% threshold. Compliance with LDP policy Hou 2 is met.

### *Floorspace*

The proposal meets the minimum floorspace standard contained in the EDG.

### *Privacy*

The blocks are sited, and the windows/balconies are arranged to ensure that future occupiers will have reasonable levels of privacy within the development. The balcony-to-balcony distance between blocks ranges from 10.5 metres to 35 metres and 58 metres and this is acceptable. The south elevation of Block F and the north elevation of Block A is sited the closest with the window-to window distance approximately 14 metres apart. The rooftop terraces on the sixth floor are set back from the projecting balconies. The windows and balconies are designed to overlook the central courtyard, and this is acceptable.

### *Daylight*

In terms of daylight targets, the proposed scheme has been tested using the Vertical Sky Components (VSC) and Average Daylight Factors (ADF). Only where a daylighting pass could not be demonstrated using the VSC and ADF, a more computational heavy assessment of the "no skyline" criteria was carried out. The daylight study confirms that a total of 39 areas was assessed under the no skyline method in which four areas across all five apartment blocks fail to meet their daylighting target. The failed areas relate to the ground floor within Block A and Block C and one area on the first floor within Block E. This is due to shading by adjacent buildings in combination with shading from above balconies or a deeper room plan. The daylight modelling results confirms that 99.6% of habitable areas of the new buildings can meet daylighting requirements and this is acceptable.

The testing of additional daylight improvement measures demonstrated that daylighting levels could be further improved if balconies were to be removed from the scheme. However, this was decided against due to their wider sustainability and well-being benefit associated with them (summertime shading).

Overall, future occupiers will have reasonable levels of daylight levels within the proposed development.

## *Aspect*

EDG advises that single aspect dwellings should not make up more than 50% of the overall dwelling numbers and developments should avoid single aspect dwellings that are north facing, exposed to noise sources, or contain three or more bedrooms.

Out of the 256 units proposed, 56% of the units will be dual aspect flats which exceeds the minimum 50% requirement. The unit mix for single aspect flats includes 62 one-bedroom (24%) and 51 two-bedrooms (20%).

In terms of exposure to noise sources but mitigated through closed windows, 10 single aspect units will face north onto Ferry Road and 19 single aspect units will face west onto Village Hotel. The remainder of the single aspect units are located on the east, south and façade to optimise their orientation and their relationship to the landscaped areas and this is acceptable.

## *Open space*

LDP policy Hou 3 sets out the criteria for private green space in housing development.

Amenity provision within the development includes public realm (36%), shared communal (38.5%), private communal (16%) and ground floor private gardens (9.5%). The proposal is for 256 flats and 19 units will have private ground floor flats. The requirement for communal provision is 10m<sup>2</sup> per flat (excluding units provided with private gardens). A communal provision of 2,370 m<sup>2</sup> is therefore required. The central courtyard provides 2626m<sup>2</sup> of shared amenity and Blocks A-C share 1073m<sup>2</sup> of private communal amenity. The proposal exceeds the requirement for communal provision, and this is acceptable.

Additional amenity provision for the residential blocks includes private balconies (167 units) and terraces (12 units).

More than 20% of total site area will be useable greenspace (including SUDs and boardwalk). The sunlight study demonstrates that the communal courtyard space will achieve three to five hours (or more) per day during the Spring equinox. This exceeds EDG minimum requirement of two hours of sunlight, and this is acceptable.

Future occupiers will have reasonable levels of living amenity within the development in relation to floorspace, daylight, sunlight, and open space. The proposed development density ensures that an attractive residential environment can be achieved.

Compliance with NPF4 policies 14 and 16 and LDP policies Des 5 and Hou 4 is met.

## Parking

### *Car parking*

Out of the 256 residential units proposed, 77 car parking spaces will be provided within the basement level. This means that 30% of the flats will have a parking space. The proposed parking levels complies with the maximum standards in the EDG and given the accessibility of the site to nearby public transport, this is acceptable.

The quantity of accessible spaces and EV charging spaces also complies with EDG parking standards.

Representations received comment that the proposed level of car parking is not reflective of the number of units proposed and would have a knock-on effect on parking in the neighbouring areas. The objective of the car parking standard is to reduce reliance on car ownership and to encourage ways of travelling more sustainably. The application was accompanied by a travel plan, outlining measures to reduce car ownership (welcome pack/ bus timetable). In addition, the applicant has confirmed commitment to invest in two club cars.

It should be noted that it is not within the scope of this application to resolve existing car parking issues within the Kimmerghame estate as planning cannot control where individuals choose to plan their journey/park their cars.

#### *Cycle parking.*

The quantity and types of secure cycle parking complies with the EDG and the Council's C7 Cycle Factsheet. In addition, the numbers and location of short stay visitor cycle parking is acceptable.

Transport Planning were consulted and raised no issues with the proposed car and cycle parking arrangement.

Compliance with NPF 4 policy 13 and LDP policies Tra 2, 3 and 4 is met.

#### Other Matters

##### *Transport impact.*

A transport assessment was submitted, and Transport Planning were consulted on the proposals.

The proposed development is predicted to result in fewer persons trips than the existing office use during the period 0700 to 1900 on a weekday. Predicted peak hour vehicular trips are 88 and 72 for the morning and evening peak periods respectively.

The proposed junction within the development is estimated to operate well within capacity. This also includes the addition of traffic estimates associated with the development.

Regarding accessibility of the site by modes other than the car, the available Lothian bus services on Ferry Road and Crewe Road South are 21, 27, 29, 37,38, 29. In addition, on Ferry Road, there are dedicated cycle lanes. In terms of quiet routes for cycling, the site is within distance to route 11 (Roseburn - Pilton - Leith).

Representations received query why Trams should be suggested as a possible transport option when unlikely to be delivered by 2035. Reference to the Trams seeks to highlight how a connected local living and 20-minutes could thrive beyond ten years. Transport Planning have not requested a contribution towards Trams and is satisfied with the proposed travel measures.

Compliance with LDP policy Tra 1 is met.

#### *Air quality*

Inverleith Row is an air quality management area (AQMA), situated to the east of the site and the proposed development will feed traffic into the AQMA.

An air quality impact assessment was provided, and Environmental Protection were consulted. Compared to the existing and proposed situation, the proposed development will have no significant impact on the local air quality of existing residents. Environmental Protection does not object to the proposed development on air quality grounds.

#### *Flood impact.*

NPF4 policy 22 c) states development proposals will (i) not increase the risk of surface water flooding to others or be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and (iii) seek to minimise the area of impermeable surface.

The application was accompanied by a Flood Risk Assessment (FRA) and a Surface Water Management Plan (SWMP). Flood Planning were consulted on the proposals and advised that the application can proceed to determination.

The applicant is proposing to discharge surface water to the combined network and Scottish Water has confirmed acceptance of this arrangement.

Compliance with NPF4 policy 22 c) and LDP policy Env 21 is met.

#### *Protected species*

NPF4 policy 3 seeks to protect and enhance biodiversity and LDP policy Des 3 seeks to ensure that existing features/characteristics worthy of retention are incorporated in the design of development proposals.

The application was accompanied by Preliminary Ecological Appraisal (PEA). The survey reported no signs/evidence (bats, badger setts and birds) of species protected by legislation on the site. In these circumstances, a licence from NatureScot is not required.

The PEA outlines several biodiversity enhancement measures, including bat/swift boxes. A condition is therefore required to ensure that a detailed Landscape and Ecological Management, Maintenance and Monitoring (LEMMMP) is submitted prior to the commencement of the development. This is to ensure that enhancement measures outlined in the PEA are implemented in the final scheme and in compliance with NPF4 Policy 3b and LDP Des 3.

## *Archaeology*

NPF4 policy 7 (o) seeks to protect and preserve non-designated historic environment assets, places, and their setting in situ wherever feasible.

During the Second World War the site formed part of a 'Z' battery, maned by the Home GUARD. It was constructed between 1942 and 1943 to protect the newly built Ferranti electronics factory still in existence across from the site. The site is visible on various RAF photographs comprising rows of small huts with the hutted accommodation camp for the personnel situated to the West, 61 U2P type rocker launcher units and a GL Mk II type radar set. The battery was removed at the end of the war. Prior to this the site appears to have been open farmland and no further archaeological sites are known from the site.

Given the military history, the application site is regarded as being of archaeological and historic interest. While the site has been significantly impacted by the construction of existing offices, the potential of surviving in situ buried remains is very limited. However, the site still has the potential to contain ordnance and other remains from this military period. Therefore, a programme of archaeological monitoring during the development is recommended. This is to fully excavate and record any surviving archaeological remains in accordance with NPF4 policy 7 (o).

Given the site's important historic association with Edinburgh's WWII Home Front defences, it is recommended that this interpreted/commemorated within the public realm for the site. Therefore, as part of the archaeological mitigation, detailed plans shall be submitted for agreement prior to the commencement of the development. This is to accord with NPF4 policy 7 (o).

## *Waste services.*

As requested by Waste services, the Architect is liaising with Waste Services to address the requirements of the proposal. The drawings were amended to show the correct provisions of bin stores and a swept path analysis was provided.

It is intended that waste from the affordable Block (Block F) will be collected within a 10m pull distance. All private waste stores will be situated in the basement. Waste from Blocks A-E is to be privately factored and presented in a waste tendering area to the West of the proposed access road. The tendering area will have dropped kerbs to the pull path for collection.

## *Contaminated land*

The submitted 'Ground Investigation Report' advises that further assessments are required. A condition therefore is required to ensure that a programme of intrusive ground investigation works is carried out and where necessary, a detailed schedule of any required remedial and/or protective measures is submitted to and approved by the Planning Authority. This is to ensure that the land is made safe for the proposed end uses and to address LDP policy Env 22.

### *Community wealth building*

NPF4 policy 25 provides support for development proposals that contribute to local or regional community wealth building strategies and are consistent with local economic priorities.

The proposed development is designed for local living, concentrating activity in the local Crewe Toll area, providing important footfall and helping to sustain existing business as well as encouraging new enterprise. In addition, the proposals will help to bring the site back into productive use, reducing blight and encouraging investment in communities.

Compliance with NPF 4 policy 25 is met.

### *Developer contributions*

#### *Education*

On 19 April 2023 the Planning Committee approved the Edinburgh Local Development Plan: Action Programme 2023. The latest pupil generation rates (PGR) were set out in the report and were used to assess the cumulative impact of housing developments across the learning estate.

The assessment of the requirement for developer contributions to support education infrastructure is based on 199 flats within the development (57 one bed / studio flats have been excluded). As the site is a windfall brownfield site the impact of the proposed development on the learning estate has not been previously assessed.

Education have provided a consultation response on the proposals which advances an argument that additional capacity is required for primary school provision at Flora Stevensons. This requirement is based on a cumulative requirement when considering the sites identified within City Plan 2030. The LDP Action Programme Update 2023 did not identify a requirement for an annexe at Flora Stevenson because the housing output assumptions from City Plan sites H31 Royal Victoria Hospital and H32 Crewe Road South were excluded from its assessment. The requirements for delivery of school infrastructure within this area are an unresolved representation to City Plan.

Education have advised that when considering the windfall sites and those allocated within City Plan 2030 there would be a requirement for an annexe to Flora Stevensons that would provide seven classes (six classrooms and one general purpose room) and necessary ancillary support and core accommodation. The annexe will also be required to provide additional Early Learning and Childcare (ELC) places.

Education state that the Council is not currently able to secure the delivery of the proposed annexe because the principle of an annexe is an unresolved representation at examination and the site is not owned by the Council. An application for planning permission for the development of H32 Crewe Road South has not been submitted. In addition, contributions for the delivery of the annexe have not been secured and it does not form part of the Council's Capital Budget Programme. At this time, the Council has no control over the delivery of an annexe.

A catchment change with a neighbouring primary school could reduce the overall size of an annexe, would make the best use of the existing learning estate and may increase the diversity of the receiving catchment area in line with one of the recommendations from the Poverty Commission report (September 2020).

A new stage of education (an annexe) and a catchment change both require a statutory consultation under a separate process from determining a planning application. Education have advised that the proposed development is required to make a contribution towards the delivery of an annexe to ensure that a decision on a housing development does not prejudice the outcome of a future statutory consultation.

Education is therefore seeking that the development should contribute to Primary School Infrastructure to support additional Primary School Capacity at a rate of £10,054 per flat. This would result in a total Primary Infrastructure Contribution based on 199 flats of £2,000,746. It should be noted that a new site for an annexe has not been identified and therefore the land value cannot be assessed at this time and contributions towards land value cannot be sought.

In assessing the requirements to provide additional primary school capacity it is not considered appropriate to base this on the potential housing outputs of City Plan. Limited weight can be attributed to these numbers and the sites remain as unresolved objections to City Plan 2030. On the basis of the existing school roll there is currently spare capacity at Flora Stevenson Primary School to accommodate the estimated number of pupils that would be expected to be generated from the development proposed at Ferry Road. Whilst it is accepted that the delivery of education infrastructure should consider the cumulative impact of proposals this case is a unique example as the contribution requirements are reliant on the adoption of specific sites within City plan 2030.

The applicant has stated that the circumstances where a Council can reasonably seek contributions is set out in Planning Obligations and Good Neighbour Agreements Circular 3/2012 and also Policy 18 of NPF4. Paragraph 21 of the Circular states that "Planning obligations should not be used to resolve existing deficiencies in infrastructure provision or to secure contributions to the achievement of wider planning objectives which are not strictly necessary to allow permission to be granted for the particular development." The applicant states that the development does not give rise to an exceedance of capacity at Flora Stevenson Primary School. This is accepted.

While the preferences and requirements of the Council, as education authority, are relevant factors, such considerations are by no means decisive and it is ultimately within the ambit of the Council, as planning authority, to determine infrastructure requirements including any need for financial contributions taking cognisance of advice in the aforementioned circular.

In order to ensure that any further education pressures are limited following the adoption of City Plan 2030 it is recommended that a condition limiting the commencement of works to one year rather than the normal three is attached to the permission. This would enable any further or amended proposals on the site to be considered in the context of City Plan 2030. It is therefore considered that a contribution to the delivery of primary school infrastructure is not required to make this development acceptable.



Notwithstanding, there are capacity issues with the existing high school at present, and this is likely to continue in the future. Contributions are therefore sought for secondary school infrastructure at a rate of £4,914 per flat based on 199 units. This provides a total contribution of £977,886 for secondary school infrastructure.

A legal agreement will be required to secure these provisions towards secondary education infrastructure.

### *Affordable housing*

NPF4 policy 16 (e) states that proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

A statement of community benefit was provided alongside affordable housing statement.

The applicant has engaged with C-urb Property Development (part of LINK Group) and is committed to providing 65 affordable homes on site within Block F. This exceeds the 25% requirement by one unit.

The RSL have further advised that they are happy with the proposed mix of homes being offered as this will assist in making the delivery of the affordable units more financially viable.

The applicant is proposing to deliver 45 (70%) of the homes for social rent and the remaining 20 (30%) of homes as mid-market rent which is welcomed and supported.

The affordable homes will be tenure blind and will enjoy the same amenities and facilities as the balance of the development in equal ways.

A legal agreement will be required to secure provisions towards affordable housing. This is to address compliance with NPF 4 policy 16 (e) and LDP policy Hou 6.

### *Healthcare*

The site does not lie within a healthcare contribution zone. A contribution towards healthcare therefore is not required.

### *Transport*

Transport Planning have requested the provision of two club car vehicles. Given that the proposed car parking levels do not exceed the maximum standards contained in the EDG, the requested provision of two car club vehicles in the area is reasonable. A contribution of £12,500 (£1,500 per order plus £5,500 per car) would be required. A legal agreement would be required to secure this sum.

Subject to a legal agreement, compliance with NPF 4 policy 18 and LDP policy Del 1 is addressed.

## **Climate Mitigation and Adaption**

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

NPF4 policy 2 seeks to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

The proposal is to reuse a brownfield site to achieve a new community in line with local living and 20-minute neighbourhood. It is for a high density of development in an urban area, minimising the need for green belt land.

The proposal meets the essential criteria of the council's S1 sustainability form. The Energy Strategy sets out how the proposed development has been developed to prioritise passive measures to reduce energy use such as arranging the proposed residential blocks to enhance passive solar gains while also limiting summertime overheating and providing shelter from prevailing winds by reviewing the layout and using the surrounding landscaping. Energy demand will be met through low energy LED lighting, thermostatic heating controls, low water consuming fittings and energy metering and display monitors. Heating to dwellings will be provided by electric MEV heat pumps that recover the heat from the extract air to heat the building and provide hot water, making them an energy efficient low carbon technology.

Compared to existing situation, sustainable travel measures will be achieved with the reduction of car parking spaces with the use of electrical vehicles with EV chargers promoted. In addition, the applicant has indicated commitment to contribute to invest in two club car vehicles which will help to discourage car ownership and alleviate parking pressures. The range of secure cycle parking will encourage residents to travel more sustainably from the development. A site-specific green travel plan was provided.

In terms of flood impacts, the proposal confirms that 1:30-year+CC event remains in drainage features and that 1:200-year+CC surface water can be attenuated safely within the site. The proposal includes SUDs features and sedum roofs which will help to slow the rate of surface run offs.

In terms of addressing nature crisis, the site will be extensively landscaped throughout, and this will introduce extensive biodiversity gains compared to existing situation.

Overall, impact on global climate and nature crisis is demonstrated. The proposal meets NPF 4 interlinking spatial priorities of 'Just Transition', 'Conserving and recycling assets', 'Local living' and 'Compact urban growth'. Overall, compliance with NPF 4 policies 1 and 2 is met.

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

The proposal complies with NPF policies and LDP policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met.

Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

*material considerations*

- Demolition - Addressed in Section B.
- Development height, seven storeys too high - Addressed in Section B.
- No visual representations of the impact of the tree removal from Kimmerghame side - Addressed in Section B.
- Loss of neighbouring amenity (privacy, overlooking, daylight, noise) - Addressed in Section B.
- Impact of future link to Kimmerghame estate - Addressed in Section B.
- Car parking provision and parking overspill - Addressed in Section B.
- Traffic impact from 256 new homes - Addressed in Section B.
- Access and road safety - Addressed in Section B.
- Impact and removal of trees (noise/wind barrier, privacy, supports wildlife/scarce greenery, environmental benefits (carbon soak/air quality/health benefits), water management/prevents soil erosion, cooling in the summer months) - Addressed in Section B.
- Swift nest bricks should be incorporated - Addressed in Section B.
- Flat roof will attract seagulls and pigeons nesting which is an issue within Kimmerghame estate - Addressed in Section B.

- Impact on infrastructure (transport, education and healthcare) - Addressed in Section B.
- Affordable housing is needed - Addressed in Section B.
- *non-material considerations*
- Object to the bus stop being removed completely or moved to a different location - Not within the scope of the application to address.
- Loss/impact on existing views - While unfortunate, there is no right to a particular view.
- Security risk in allowing proposed future path link - This is an indicative element of the proposal and does not preclude assessment of the proposal.
- Construction disruptions - Does not preclude assessment of the proposal.
- Mobile signal issues ongoing - Not a planning matter.
- Will impact on capacity of local buses - The responsibility lies with bus providers to address operational requirements (supply and demand).
- Ownership of the land the trees proposed for removal - Details of landownership are a civil matter not resolved through planning. Landownership Certificate A was submitted with this application, indicating that the trees are within the control of the applicant.
- Developer/corporate greed - Not relevant to the assessment.
- Properties without car parking provision will be more attractive for short stay let uses (STL) - Speculative and not within the assessment of the application.

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

The material considerations have been identified and addressed. There are no outstanding material issues to resolve.

### **Overall conclusion**

The proposal complies with NPF policies and LDP policies. The proposal is for a sustainable redevelopment of a brownfield site that will contribute to local living and 20-minutes neighbourhood. The proposal is for a high-quality development design and will not have an adverse impact on its townscape surroundings. Neighbouring amenity will not be adversely affected, and future occupiers will have reasonable levels of living amenity within the development. Car parking levels will be below the maximum standard permitted and cycle parking provision and type is met. Trees identified and selected for their removal are acceptable and their replacement will be achieved through a high quality and biodiverse landscaping design. Conditions are required to address further matters in more detail and to ensure that a high-quality development is delivered. A legal agreement is required to secure provisions towards education infrastructure, provision of two club cars and 25% affordable housing provision.

The City of Edinburgh Council as Planning Authority direct that under section 58 1(b) of the Town and Country Planning (Scotland) Act 1997 in respect of planning application 23/03649/FUL the substitution for the period of 3 years with the period of 1 year to commence development. This requirement will be covered by condition and the applicant will have opportunity to appeal this to Scottish Ministers.

There are no material considerations that outweigh this recommendation. It is recommended that this application be approved.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions

1. The development to which this permission relates must be begun not later than the expiration of one year, 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. Notwithstanding the approved drawings, the four commercial units on the ground floor within Block E as shown on Drawing 10 and 13A shall be restricted to a Class 1a (Shops, and financial, professional and other services), Class 3 (Food and drink-restricted) and Class 4 (Business) as defined by The Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) only.
3. Cooking, heating and reheating operations within the four commercial units on the ground floor within Block E as shown on Drawing 10 and 13A shall be restricted to the use of a Panini machine, toasty machine, baked potato oven, soup urn and one microwave only; no other forms of cooking, heating and reheating shall take place without prior written approval of the Planning Authority.
4. Notwithstanding the approved drawings, 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 will be required.
5. Notwithstanding the approved drawings, a fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. The amended landscaping plans shall include the details of the link to the south of the site connecting with Kimmerghame.

The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

6. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
8. Notwithstanding the approved drawings, prior to commencement of the development, detailed plans to interpret/commemorate the site's important historic association with Edinburgh's WWII Home Front defences within the public realm for the site shall be submitted to and approved in writing by the Planning Authority. The approved plan shall be implemented before the first residential unit is occupied.
9. Notwithstanding the approved drawings, prior to commencement of the development, a detailed Landscape and Ecological Management, Maintenance and Monitoring (LEMMMP) shall be submitted to and approved in writing by the Planning Authority. The approved LEMMMP shall be implemented before the first residential unit is occupied.
10. No tree work to be carried out unless in accordance with the approved Arboricultural Method Statement (BLEBO TREE Surgery - BS 5837 Arboricultural Method Statement Tree Survey Report dated 27/07/2023) or with separate consent from the planning authority
11. Prior to the commencement of development, the name of the nominated person responsible for the Arboricultural supervision on site, along with the programme of supervision and reporting must be submitted to and agreed with the planning authority.
12. Prior to the commencement of development all tree protection measures proposed in the approved Arboricultural Method Statement (BLEBO TREE Surgery -BS 5837 Arboricultural Method Statement Tree Survey Report, dated 27/07/2023) must be implemented in full. These measures must not be removed or altered in any way unless with the consent of the planning authority.
13. Notwithstanding the approved drawings, the design and installation of any plant, machinery or equipment for the four commercial units on the ground floor within Block E shall be such that any associated noise complies with NR25 when measured within the nearest living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

## Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997 and to ensure an appropriate amount of time in which the development can be commenced having regard to the provisions of the development plan and to any other material considerations.
2. To make it clear what consent is being granted for the four commercial units within Block E.
3. To safeguard residential amenity in terms of odour.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site and to ensure that the approved landscaping works are properly established on site.
6. In order to ensure that the site is suitable for redevelopment.
7. In order to safeguard the interests of archaeological heritage.
8. In order to safeguard the interests of archaeological heritage.
9. To ensure that biodiversity enhancement measures as detailed in the Preliminary Ecological Appraisal (PEA) is implemented in the final scheme and to accord with NPF4 Policy 3b and LDP Des 3.
10. In order to safeguard trees.
11. In order to safeguard trees.
12. In order to safeguard trees.
13. To safeguard residential amenity in terms of noise.

## Informatives

It should be noted that:

1. It should be noted that:

Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

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.

This matter relates to:

Education -

Primary School Infrastructure rate of £10,054 per flat. This would result in a total Primary Infrastructure Contribution based on 199 flats of £2,000,746.

Secondary School Infrastructure - rate of £4,914 per flat based on 199 units total contribution £977,886.

Two club car - £12,500 (£1,500 per order plus £5,500 per car)

Affordable housing - 25% (65 affordable homes)

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The site access 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.
5. Existing pedestrian refuge island crossing on Ferry Road fronting the proposed development is required to be upgraded to toucan crossing to satisfaction and at no cost to the Council. It is expected that the toucan crossing is linked to both existing traffic signal to the west and east for uninterrupted traffic flow. It is understood that the applicant proposes to move this crossing slightly to the west.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not.



The developer is expected to make this clear to prospective residents as part of any sale of land or property.

8. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
9. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>.
10. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at [www.edinburgh.gov.uk/biodiversity](http://www.edinburgh.gov.uk/biodiversity).

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

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

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

**Date Registered: 11 August 2023**

### **Drawing Numbers/Scheme**

01-11, 12A, 13A, 14-43, 44A, 45-57.

Scheme 2

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

Contact: Laura Marshall, Planning Officer  
E-mail: [laura.marshall@edinburgh.gov.uk](mailto:laura.marshall@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Children and Families

COMMENT: No objection, subject to contributions towards education infrastructure.

DATE: 13 September 2023

NAME: Environmental Protection.

COMMENT: Objection raised.

DATE: 14 December 2023

NAME: Transport Planning

COMMENT: No objections. Conditions/informatives required.

DATE: 14 December 2023

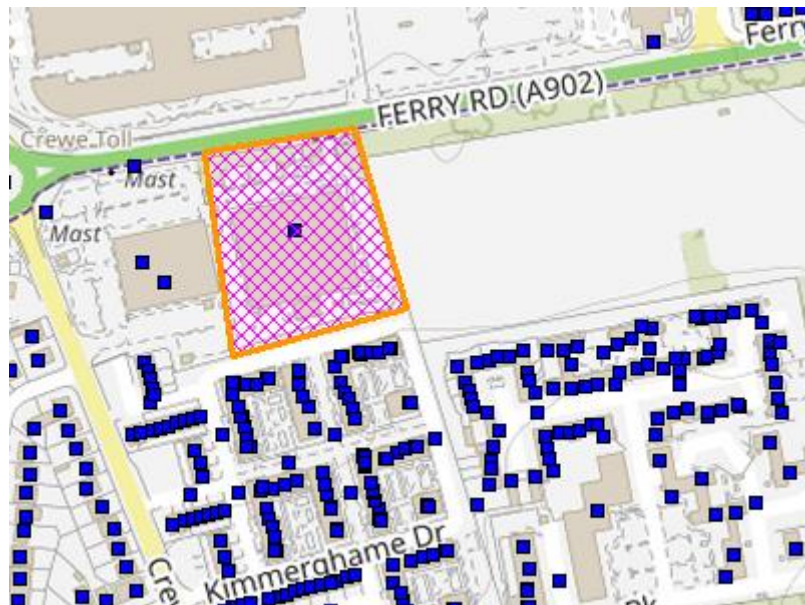
NAME: Flood Planning

COMMENT: The applicant addressed our queries, and we have no further comments regarding flooding and drainage, therefore this application can proceed to determination.

DATE: 22 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 13 March 2024**

**Application for Planning Permission STL  
73 - 75 George Street, Edinburgh, EH2 3EE**

**Proposal: Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions. As amended.**

**Item – Committee Decision  
Application Number – 23/03109/FULSTL  
Ward – B11 - City Centre**

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

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

#### **Recommendation**

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

#### **Summary**

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

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

### **SECTION A – Application Background**

#### **Site Description**

The application site totals 0.3 hectares of land on the northern side of George Street and is comprised of a 1970's four storey office building with a recessed top floor. The ground floor is currently in retail use whilst the upper floors are in use as offices. The site is bounded to the north, west and east by other buildings in a mix of both residential and commercial uses.

George Street is of mixed character featuring a number of commercial units as well as residential properties. Public Transport links are highly accessible from the site. The site is located on a busy section of the street. There is a high to moderate degree of activity in the immediate vicinity of the property at any time.

No 71 George Street is a category A listed building (71 George Street and 36 and 38 Frederick Street, Ref: LB30102, Date: 12/12/1974. No 77-79 George Street is a category B listed building (77 and 79 George Street, LB28845, 13/01/1966).

The application property is in the designated City Centre, City Centre Retail Core, New Town Conservation Area and Old and New Towns of Edinburgh World Heritage Site.

### **Description of the Proposal**

Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions. As amended.

### **Schedule Two**

The proposal was amended to alter the building facade, including the addition of a mansard roof to the fourth floor George Street elevation, and to alter the design of the proposed fifth floor.

### **Schedule Three**

The proposal was amended to alter the front elevation fenestration pattern, mansard roof gradient, the layout and positioning of the proposed fifth floor extension, the shopfront and to include minor internal alterations.

### **Supporting Information**

- Planning Statement
- Revised Design and Access Statement
- Sustainability form S1
- Surface Water Management Plan

### **Relevant Site History**

22/04015/LBC  
71 George Street  
Edinburgh  
EH2 3EE

Listed building consent for minor roof top alterations with adjusted surface materials, extended access skylight and glazed balustrade.

Granted

7 November 2022

22/04026/FUL

71 George Street

Edinburgh

EH2 3EE

Erection of adjusted access skylight, glass balustrade and new roof surface material.

Granted

7 November 2022

20/05773/LBC

71 George Street

Edinburgh

EH2 3EE

Alterations to form a separate commercial unit for classes 1, 2 and 3 and upper floors converted to serviced apartments, erection of a roof top extension with external alterations and extraction flue (as amended).

Granted

21 April 2021

20/05757/VARY.

71 George Street

Edinburgh

EH2 3EE

Non-Material Variation application to 20/05757/FUL. Removal of plant-on astragals to proposed windows to west and north elevations.

VARIED

19 May 2023

20/05757/FUL

71 George Street

Edinburgh

EH2 3EE

Mixed use development with change of use to form a separate commercial unit for classes 1, 2 and 3 and upper floors converted to serviced apartments with erection of a roof top extension with external alterations and extraction flue (as amended).

Granted

11 October 2021

23/04927/FULSTL

Flat 1 79 George Street

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

21 November 2023

23/04931/FULSTL

Flat 2

79 George Street

New Town

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

22 November 2023

23/04934/FULSTL

Flat 4

79 George Street

New Town

Edinburgh

EH2 3ES

Retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year.

Refused

21 November 2023

### **Other Relevant Site History**

No other relevant site history was identified.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Transport

World Heritage Site

Flooding

Historic Environment Scotland

Environmental Protection

Waste

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:** 1

## **Section B - Assessment**

### **Determining Issues**

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

## **Assessment**

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

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

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

- Managing Change in the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment: Setting

## *Setting of Listed Buildings*

The relationship between the proposals and listed buildings in proximity to the site are of significant importance to the application's acceptability. In particular, the setting of the nearby category A listed no 71 George Street which is in part defined by the prominence of the building at the corner of George Street and Frederick Street.

Following amendments, the proposal is not considered to have a negative impact on no 71 George Street. As HES note in their consultation response, the revised application has introduced a zinc mansard-style roof, resulting on the fourth floor of the building reading as a rooftop element, reducing any potential harmful impacts on the adjacent corner building. Amendments to the original proposals to further set back the fifth floor and reduce the steepness of the proposed mansard roof also help reduce any harmful impact.

Overall, the impact to the setting of nearby buildings has been sufficiently mitigated by the design solutions proposed, and as such no negative impact to the setting of nearby listed buildings is identified.

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

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

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

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

- Managing Change in the Historic Environment Guidance on Conservation Areas
- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: World Heritage
- Managing Change in the Historic Environment: Shopfronts and Signs

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

The proposed external alterations to 73-75 George Street make use of a suitable contemporary design, reflecting the architectural features of buildings that contribute to George Street's streetscape. In broad terms, what is proposed preserves the spatial and structural patterns of the area and makes use of high-quality materials appropriate to the location. In terms of the George Street elevation, the proposal reinforces the formal plan form of the first New Town, substantially altering a building that whilst representative of its time, utilised a design and materials that do not fit closely with adjacent buildings and was not of benefit to the conservation area. In terms of the rear elevation, the proposals will be of little impact as views of the elevation are limited, and the building has been sensitively designed to fit within the existing context of the wider area.



The predominant impact the proposed development will have been to views along George Street, however overall, the building represents an improvement on the impact of the current building form, creating a gradual increase in height from the B listed townhouses to the building's west, up to the A listed corner building at 71 George Street.

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

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

#### **c) The proposals comply with the development plan.**

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

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

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

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

#### Principle of use

The proposal is for a development that will enhance and improve the vitality and viability of the City Centre, generating significant footfall in the area and contributing to the diverse range of tourist accommodation available in Edinburgh. Retail uses are to be retained at the ground floor in keeping with the current pattern of development of George Street and a town centre first approach, whilst the increased density of activity that will result from the proposal contributes to maximising the potential of the site.

The proposal complies with LDP policy Del 2 and NPF4 policies 27a, 27b, 28a, 30b.

## Climate Change & Sustainability

The proposals will have a neutral impact on the climate and nature crises. The proposals are sited and designed suitably to minimise lifecycle greenhouse gas emissions, the changes of use proposed are unlikely to result in a significant increase to the operational emissions of the building, and the proposed physical works will be subject to detailed further assessment as part of the building warrant process. A condition has been included concerning the reuse and recycling of materials.

Subject to condition two the proposals comply with NPF4 policies 1, 2, and 12, subject to condition 2.

## Heritage

### *World Heritage Site*

Following amendment, the proposal will not result in a negative impact to the Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site. Edinburgh World Heritage has responded stating that they are of the view that the height of the building may be considered acceptable in this location and their concerns regarding the fenestration pattern and other aspects of the proposed design have been addressed. Whilst juliet balconies are still to be present on the building's facade, on balance their presence is unlikely to be of significant impact as in the context of the wider townscape and other modern interventions in proximity to the site, the impact to the World Heritage Site is considered to be negligible.

The proposal complies with NPF4 policy 7I).

### *Setting of Listed Buildings*

The impact to the setting of nearby buildings has been assessed in section a) above. No negative impact to the setting of the listed buildings was identified. The proposal complies with NPF4 Policy 7c.

### *Conservation Area*

The impact of the proposal on the Conservation Area has been assessed in section b) above. No negative impact was identified. The proposal complies with NPF4 Policy 7d.

## Design

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

The proposal represents an appropriate 'step up' in between the townhouses to the west and the corner building to the east, reflecting the prominence of the corner building, whilst the facade design references other modern buildings in the local area and makes use of suitable materials, ashlar sandstone, for this sensitive location. A condition has been attached to the consent requiring that details of the materials to be used are approved by the planning authority before works commence on site. The proposed shopfront similarly adopts a modern design aesthetic, fitting harmoniously with the building and with other shopfronts along George Street, taking inspiration in its design from the current shopfront and those nearby, though notably making use of higher quality materials more in keeping with the local area.

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

### Amenity

The use of the property as an STL would enable visitors to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of its current use as an office. There is no guarantee that guests would not come and go frequently throughout the day and night, and transient visitors may have less regard for neighbours' amenity than individuals working at the property.

However, with regard to the considerations set out in the Guidance for Businesses when assessing change of uses of use to short term lets, the proposal is unlikely to result in a deterioration to the amenity of nearby residences (most notably at no 79 George Street). The noise generated by the 24 STL units proposed is unlikely to be significantly different from currently high level of ambient background noise in the area, which features a number of hotels and other forms of visitor accommodation, as well as late night uses. The additional impact on amenity of the increased servicing that operating the properties as STLs would require is sufficiently mitigated as it is likely that servicing would be conducted during the daytime.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policies Des 5 and Hou 7.

### Flooding

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

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

## Transport

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

Cycle parking totalling 6 spaces is proposed, this is in excess of the minimum number required by the Edinburgh Design Guidance. Given the low number of spaces required and the site constraints it was not considered reasonable to require 20% of the spaces to be for non-standard cycles. The cycle parking complies with other applicable aspects of the guidance, however.

The applicant is required to contribute the net sum of £26,784 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate, and the use period will be 10 years from date of payment. A suitable legal agreement is required to secure this contribution.

The proposal comply with policy Del 1, Tra 3 and 4 subject to the conclusion of a suitable legal agreement.

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

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

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

The following material planning considerations have been identified:

#### Emerging policy context

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

#### Equalities and human rights

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

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

## Public representations

One comment in objection was received. A summary is provided below:

### *material considerations*

- The proposal is over development. Assessed in section C.
- Negative impact to listed buildings. Assessed in section C.
- The design of the proposed facade is unacceptable. Assessed in section C.
- Negative impact to the conservation area. Assessed in section B.
- Detrimental impact on the character of the building and surrounding area in terms of the proposals' form, design, and materials. Assessed in section C.

### *non-material considerations*

- None.

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

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

## **Overall conclusion**

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

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

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

The recommendation is subject to the following.

### **Conditions**

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

2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

### **Reasons**

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

### **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

#### Transport

The applicant is required to contribute the net sum of £26,784 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum will be indexed as appropriate, and the use period will be 10 years from date of payment.

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

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. 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.
5. 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.

6. The applicant should note that the proposed development lies on a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>

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

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

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

**Date Registered: 2 August 2023**

### **Drawing Numbers/Scheme**

01-11, 12B-26B

Scheme 3

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

Contact: James Armstrong, Planning Officer  
E-mail: [james.armstrong@edinburgh.gov.uk](mailto:james.armstrong@edinburgh.gov.uk)

## Summary of Consultation Responses

NAME: Transport

COMMENT: No objections, subject to conditions and informatives.

DATE: 9 February 2024

NAME: World Heritage Site

COMMENT: The proposed amendments have not taken the positive opportunity to notably lower the height of the proposed interventions. We welcome the efforts made to make the proposed roofscape more responsive to local character, and while this could go further it is a notable improvement on the previous proposals. The fenestration pattern (unevenly spaced and varying in proportion) and use of modern Juliette balconies remain disruptive to local character, and we continue to advise these are amended appropriately. On balance, we consider that the proposals have a reduced impact on the OUV of the World

Heritage Site but remain of some harm.

DATE:

NAME: Flooding

COMMENT: No objection. Approval from Scottish Water is needed to confirm that they accept the proposed surface water discharge rate to the combined network.

DATE:

NAME: Historic Environment Scotland

COMMENT: No objections. Mansard results in this storey reading as a roof element which should be less steep, top floor should be set back further.

DATE:

NAME: Environmental Protection

COMMENT: No objections.

DATE:

NAME: Waste

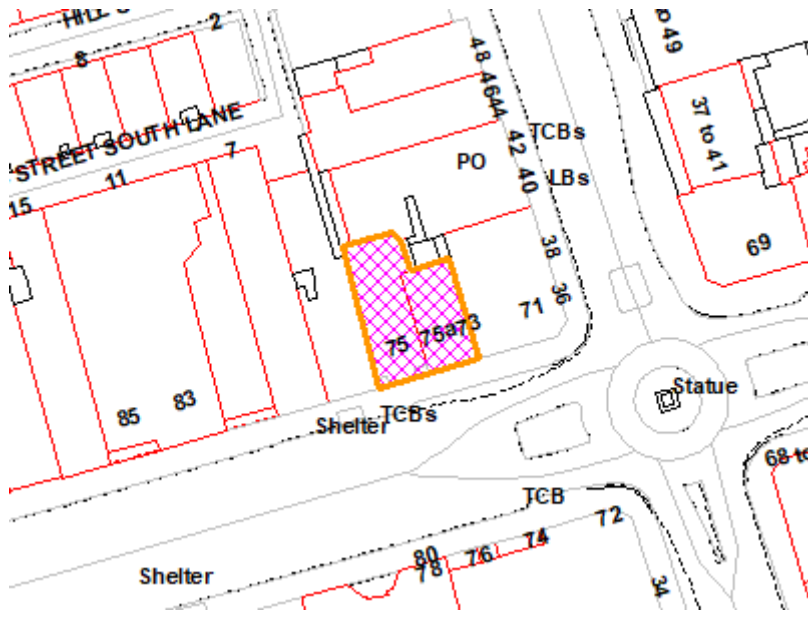
COMMENT: Applicant to provide own waste collection.

DATE:

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



# Location Plan



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