

Notice of meeting and agenda

Development Management Sub-Committee

10.00am, Wednesday, 17th April, 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

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 15 April 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

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

3. Minutes

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| 3.1 | Minutes of Previous Meeting of Development Management Sub-Committee of 28 February and 13 March 2024– submitted for approval as a correct record | 11 - 26 |
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4. General Applications, Miscellaneous Business and Pre-Application Reports

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

- 4.1 55 Broughton Road, Edinburgh, EH7 4EX - Proposal for change of use from office to short term let visitor accommodation - application no. 24/00456/FULSTL - report by the Chief Planning Officer 27 - 34

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

- 4.2 Drylaw House, 32 Groathill Road North, Edinburgh - Proposal for proposed erection of 3 Nos. self-contained holiday lodges with provision of external shared deck area, associated landscaping, access arrangements and car parking - application no. 23/03426/FULSTL - report by the Chief Planning Officer 35 - 46

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

- 4.3 20 Haymarket Yards, Edinburgh, EH12 5WU - Proposal for erection of office (Class 4) and associated public realm, landscaping, and cycle parking - application no. 24/00297/FUL - report by the Chief Planning Officer 47 - 62

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

- 4.4** 4 Hope Street, Edinburgh, EH2 4DB - Proposal for alterations and change of use from offices to 6 No. short term let flats - application no. 23/06659/FULSTL - report by the Chief Planning Officer 63 - 72

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

- 4.5** 18-24 John's Lane, Edinburgh, EH6 7EU - Proposal for proposed change of use and alterations to existing derelict warehouse to form student housing development - application no. 23/06794/FUL - report by the Chief Planning Officer 73 - 96

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

- 4.6** 18-24 John's Lane, Edinburgh, EH6 7EU - Proposal for proposed alterations and change of use of existing derelict warehouse to form student housing development - application no. 23/06796/LBC - report by the Chief Planning Officer 97 - 108

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

- 4.7** 181 St John's Road, Edinburgh, EH12 7SL - Proposal to Section 42 Application to Vary Conditions 04, 05, 06, 07, and 09 and to delete condition 08 of Planning Permission 18/02831/FUL. Mixed use development incorporating residential development (Class 9 and Sui Generis flats) together with commercial floorspace (including Class 1, 2 and 3) and hot food takeaway (Sui Generis), car parking and associated works (amended) - application no. 23/07342/FUL - report by the Chief Planning Officer 109 - 124

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

- 4.8** 1A Lochend Butterfly Way, Edinburgh, EH7 5FF - Proposal for proposed residential development and associated landscaping works (As Amended) - application no. 23/01418/FUL - report by the Chief Planning Officer 125 - 146

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

- 4.9** 119 Montgomery Street, Hillside, Edinburgh - Proposal to change of Use from Office to Short Term Let in retrospect - application no. 23/04763/FULSTL - report by the Chief Planning Officer 147 - 156

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

- 4.10** 4 Oversman Road, Edinburgh (Land 160 metres northeast of) - Proposal for proposed development of Sui Generis car showroom with car storage and motor vehicle service and repair, ancillary offices, erection of 2.4m high fence, access, car parking and landscaping - application no. 23/07321/FUL - report by the Chief Planning Officer 157 - 172

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

- 4.11** 72 - 77 Princes Street & 1 - 5 Hanover Street, Edinburgh, EH2 2DF - Proposal for redevelopment of existing floorspace for serviced apartment use including associated alterations and extensions - application no. 23/06881/FUL - report by the Chief Planning Officer 173 - 190

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

- 4.12** 72 - 77 Princes Street & 1 - 5 Hanover Street, Edinburgh, EH2 2DF - Proposal for redevelopment of existing floorspace for serviced apartment use including associated alterations; new rear extension in place of the existing; replacement windows on the south, west and east elevations; new entrance screens; new pitched roof to replace the original and new rooftop extension; extended lift and stair and new entrance doors - application no. 23/06884/LBC - report by the Chief Planning Officer 191 - 200

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

- 4.13** 2F & 3F 7 - 8 Randolph Place, Edinburgh, EH3 7TE - Proposal for proposed change of use from class 4 offices to sui-generis self-catering flats for holiday accommodation - application no. 24/00653/FULSTL - report by the Chief Planning Officer 201 - 210

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

- 4.14** 43 Thistle Street South West Lane, Edinburgh, EH2 1EW - Proposal to change of use from vacant offices to serviced apartments with minor external works - application no. 23/04871/FULSTL - report by the Chief Planning Officer 211 - 220

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

5. Returning Applications

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

5.1 None.

6. Applications for Hearing

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

6.1 None.

7. Applications for Detailed Presentation

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

7.1	5 Winton Drive, Edinburgh, EH10 7AL - Proposal for erection of a 48 bed care home development, including landscaping, access and associated works - application no. 23/07334/FUL - report by the Chief Planning officer	221 - 244
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It is recommended that this application be **Granted**.

8. Returning Applications Following Site Visit

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

8.1 None.

Nick Smith

Service Director, Legal and Assurance

Committee Members

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

Information about the Development Management Sub-Committee

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

Further information

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

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

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

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 28 February 2024

Present:

Councillors Osler (Convener), (items 4.1-4.8 and 7.1), Councillor Bennett (substituting for Councillor Beal), Booth, Cameron (items 4.1-4.8 and 7.1), Graham (substituting for Councillor Dalglish (items 4.1-4.8 and 7.1), Gardiner, Jones, Mattos Coelho, McNeese-Mechan (items 4.1-4.8 and 7.1), Mowat and Mumford (items 4.1-4.8 and 7.1).

1. Chair

In the absence of the Convener, Councillor Dalglish was appointed to the Chair for item 5.1.

2. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of the 24 January 2024 as a correct record.

3. General Applications and Miscellaneous Business

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

Substitutions:

Councillor Bennett for Councillor Beal.

Councillor Graham for Councillor Dalglish.

Requests for a presentation:

Councillor Booth requested a presentation in respect of item 4.4 – 1 Lanark Road, Kingsknowe, Edinburgh – application no. 18/08232/FUL.

Councillor Gardiner requested a presentation in respect of item 4.4 – 1 Lanark Road, Kingsknowe, Edinburgh – application no. 18/08232/FUL.

Councillor Booth requested a presentation in respect of item 4.8 – 3-5 West Tollcross & 9 Torneybauk, Edinburgh – application no. 23/04950/FUL.

Councillor Gardiner requested a presentation in respect of item 4.8 – 3-5 West Tollcross & 9

Development Management Sub-Committee of the Planning Committee 28 February 2024

Tornybauk, Edinburgh – application no. 23/04950/FUL.

Request for Hearing

Ward Councillor McKenzie requested a presentation in respect of item 7.1 – Murrayfield Sports Bar, 20 Westfield Road, Edinburgh – application no. 23/05902/FUL.

Declaration of Interests

Councillor Bennett declared a non-financial interest in item 4.2 – Report for forthcoming application by William Sawers, Northcare (Scotland) Ltd. for Proposal of Application Notice at 191 St John's Road, Corstorphine, Edinburgh - application no. 24/00332/PAN - as she had communication with the individuals involved in the application.

Councillor Gardiner declared a non-financial interest in item 4.3 – 2 Canaan Lane (Car Park 2), Edinburgh - application no. 23/02585/CON - as he knew the applicant.

Councillor Gardiner declared a non-financial interest in item 4.5 – 237 Morningside Road, Edinburgh - application no.23/00359/FUL.as he knew the applicant.

Councillor Graham declared a non-financial interest in item 4.8 – 3-5 West Tollcross & 9 Thornybauk, Edinburgh - application no.23/04950/FUL - as she went on a site visit with the developer.

Councillor Osler declared a non-financial interest in item 5.1 - Totle Wells Grange, Westfield, Totle Wells- application no. 23/02467/FULSTL– as she knew the applicant.

Decision

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

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

4. 20 Westfield Road (Murrayfield Sports Bar), Edinburgh

Details were provided of proposals for planning permission for the demolition of existing building and erection of a purpose-built student accommodation development (Sui Generis) with associated amenity space, access, cycle parking, and landscaping (as amended) at 20 Westfield Road (Murrayfield Sports Bar), Edinburgh - application no.23/05902/FUL.

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

Motion

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

- moved by Councillor Mowat, seconded by Councillor Bennett.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Env 21 and NPF4 Policy 22.

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

For the Motion - 3

For the Amendment - 8

(For the Motion: Councillors Bennett, McNeese-Mechan and Mowat.)

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

Decision

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Env 21 and NPF4 Policy 22.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by Tarmac Ltd. for Proposal of Application Notice at Ravelrig Quarry, Long Dalmahoy Road, Dalmahoy</p>	<p>Southerly extension to Ravelrig Quarry to allow the continued extraction of hard rock, rock processing, and despatch of aggregates. The proposed extension would operate over a period of 24 years with the site being restored thereafter - application no. 24/00332/PAN</p>	<p>To note the key issues at this stage</p>
<p>4.2 – Report for forthcoming application by William Sawers, Northcare (Scotland) Ltd. for Proposal of Application Notice at 191 St John's Road, Corstorphine, Edinburgh</p>	<p>Mixed use development comprising care home and associated amenity facilities, ground floor commercial units, parking, open space, landscaping, and ancillary works - application no. 24/00149/PAN</p>	<p>To note the key issues at this stage</p>
<p>4.3 - 2 Canaan Lane (Car Park 2), Edinburgh</p>	<p>Complete demolition in a conservation area - application no. 23/02585/CON</p>	<p>To GRANT 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>
<p>4.4 - 1 Lanark Road, Kingsknowe, Edinburgh</p>	<p>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</p>	<p>To CONTINUE consideration of the OBL application to allow for a separate members' briefing in relation to the financial viability information.</p>

<p>4.5 - 237 Morningside Road, Edinburgh, EH10 4QU</p>	<p>Project to construct new hotel accommodation on the site of an existing private car park to expand the existing neighbouring hotel and pub business (scheme 2) - application no.23/00359/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - Confirmation of Tree Preservation Order No. 208 (Ramsay Lane)</p>	<p>Confirmation of Tree Preservation Order No. 208 (Ramsay Lane)</p>	<p>It is recommended that the order is CONFIRMED.</p>
<p>4.7 - 4 (1F) Thistle Street North West Lane, Edinburgh, EH2 1EA</p>	<p>Proposed extension and alterations to a vacant art gallery with approved use for short-term residential letting - application no. 23/03094/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 - 3-5 West Tollcross & 9 Thornybauk, Edinburgh, EH3 9BP</p>	<p>Demolition of existing buildings and erection of mixed-use development comprising student accommodation, commercial uses (retail class 1A, cafe class 3 and gym class 11), amenity space, access, cycle parking and landscaping - application no.23/04950/FUL</p>	<p>To GRANT planning permission subject to:</p> <ol style="list-style-type: none"> 1) The conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. 2) The amendment of condition 3 to read: “No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication & public/community engagement) in accordance with a written scheme of investigation, including an interpretation board to be located in the proposed courtyard, which has been submitted by the applicant

		<p>and approved in writing by the Planning Authority.”</p> <p>3) An additional condition that notwithstanding what is shown on the approved plans, details of cycle parking for the development to achieve increased non-standard cycle parking spaces and greater accessibility within the proposed development (within the footprint of the cycle store as shown on the approved plans) in terms of the balance of two-tier parking, taking account of Council Policy and the Cycle Parking Factsheet, to be submitted to and approved in writing by the Council as planning authority.</p> <p>4) An additional informative that the developer should explore improved public accessibility in the form of crossing points and a footway width of a minimum of 2 metres.</p>
<p><u>5.1 - Totley Wells Grange, Westfield, Totley Wells</u></p>	<p>Change of Use from dwelling to short-term let (Sui Generis) - application no. 23/02467/FULSTL</p>	<p>1) To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p> <p>2) To include the impact assessment on the Planning Portal (redacted where required).</p> <p>To note that the applicant had clearly demonstrated that the loss of residential accommodation was outweighed by the economic benefits and to acknowledge that</p>

		they had carried out the required work.
<u>7.1 - 20 Westfield Road (Murrayfield Sports Bar), Edinburgh</u>	Demolition of existing building and erection of a purpose-built student accommodation development (Sui Generis) with associated amenity space, access, cycle parking, and landscaping (as amended) - application no.23/05902/FUL	To REFUSE planning permission as the proposals were contrary to LDP Policies Env 21 and NPF4 Policy 22. (On a division.)

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 13 March 2024

Present:

Councillors Osler (Convener), Bennett (substituting for Councillor Beal) (except item 5.2), Booth, Cameron, Dalgleish (except item 5.2), Gardiner (except item 5.2), Graham (substituting for Councillor Dalgleish for Item 5.2) Jones, Mattos-Coelho, McNeese-Mechan, Mowat, Mumford (substituting for Councillor Staniforth for Item 5.2), and Staniforth (except item 5.2).

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 7 February 2024 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for a Presentation

Councillor Booth requested a presentation on Item 4.11 – 2F 162 Rose Street, EH2 3JD, Edinburgh – application no. 23/04654/FULSTL

Councillor Cameron requested a presentation on Item 4.10 – Middle Kinleith Farm, Harlow Road, Currie, Edinburgh – application no. 24/00127/FUL

Councillor Dalgleish requested a presentation and site visit on Item 4.10 – Middle Kinleith Farm, Harlow Road, Currie, Edinburgh – application no. 24/00127/FUL

Decision

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

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

3. 525 Ferry Road, Edinburgh

Details were provided of proposals for the proposed demolition of an office building and development of residential development with associated commercial and ancillary uses, landscaping, and parking at 525 Ferry Road - application no. 23/03649/FUL.

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

Motion

To grant the planning application.

- moved by Councillor Mowat, seconded by Councillor Gardiner

Amendment

To refuse the planning application as proposals were contrary to Local Development Plan policies Des 1, Des 5 and Env 12.

- moved by Councillor Osler, seconded by Councillor Booth

Voting

For the motion - 9 votes

For the amendment - 2 votes

(For the motion: Councillors Bennett, Cameron, Dalgleish, Gardiner, Jones, Mattos-Coelho, McNeese-Mechan, Mowat and Staniforth.

For the amendment: Councillors Booth and Osler.)

Decision

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

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

4. 1 Lanark Road, Kingsknowe, Edinburgh

Details were provided of a proposal to modify clause 3 of the planning obligation relating to the site at 1 Lanark Road, Kingsknowe, Edinburgh and planning permission 18/08232/FUL - application no. – 22/02424/OBL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be accepted, and the agreement be modified.

Motion

To **ACCEPT** the application to modify clause 3 of the section 75 legal agreement .

- moved by Councillor Osler, seconded by Councillor Jones

Amendment

To **REFUSE** the application to modify clause 3 of the section 75 legal agreement as the proposals were contrary to Local Development Plan Policies Hou6 and NPF4 Policy 16(e)U.

- moved by Councillor Mowat, seconded by Councillor Cameron

Voting

For the motion - 2

For the amendment - 6

(For the motion: Councillors Jones and Osler.

For the amendment: Councillors Booth, Cameron, Graham, Mattos-Coelho, Mowat and Mumford.)

Decision

To **REFUSE** the application to modify clause 3 of the section 75 legal agreement as the proposals were contrary to Local Development Plan Policies Hou6 and NPF4 Policy 16(e).
(Reference – report by the Chief Planning Officer, submitted.)

Declarations of Interest

Councillors Bennett and Gardiner declared non-financial interests in the above item as they had not taken part in the mandatory briefing on this item.

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – Report for forthcoming application by Artisan Real Estate for Proposal of Application Notice at Caledonian Brewery, 40 Slateford Road, Slateford</p>	<p>Partial demolition and residential redevelopment (including affordable housing) with landscaping, access, associated infrastructure and associated ancillary works - application no. 23/07312/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – Report for forthcoming application by Summix MQE Developments Ltd. for Proposal of Application Notice at SAICA Pack, 1 Turnhouse Road, Cammo</p>	<p>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</p>	<p>To note the key issues at this stage and to recognise this as a gateway site and ensure active travel links to West Town.</p>
<p>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</p>	<p>Residential development & associated works in keeping with the established Western Harbour Masterplan - application no. 24/00581/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.4 – 62 Belmont Road, Juniper Green, EH14 5ED, Edinburgh</p>	<p>The proposal is for a change of use of annex to allow short term let use - application no. – 22/04501/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 79 Dundas Street, Edinburgh, EH3 6SD</p>	<p>Use of part of residential dwelling for the purposes of short-term letting – application no. – 22/04195/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - 15 & 15A Eden Lane, Edinburgh, EH10 4SD</p>	<p>Use of the annexe section of the existing residential dwelling for short term let rental (in retrospect), (amended) – application no. 22/04057/FUL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.7 - Greenhill Court - Confirmation of Tree Preservation Order No. 209</p>	<p>Confirmation of Tree Preservation Order No. 209 (Greenhill Court)</p>	<p>To CONFIRM Tree Preservation Order No. 209 (Greenhill Court).</p>
<p>4.8 - 7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh</p>	<p>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</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.9 - 7 - 11 & 15 - 19 Hanover Street, 40 Rose Street, & 70 Princes Street, Edinburgh</p>	<p>Selective demolition and alterations to form hotel and ancillary uses with refurbished commercial units and associated works - application no. 23/06565/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.10 - Middle Kinleith Farm, Harlaw Road, Currie, Edinburgh</p>	<p>Demolition of existing shed and barn and construction of two new dwellinghouses with associated roads, drainage and infrastructure – application no. 24/00127/FUL</p>	<p>To DECLINE to carry out a site visit and REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.11 - 2F 162 Rose Street, Edinburgh, EH2 3JD</p>	<p>Retrospective change of use from office to short-term let (Sui Generis) – application no. 23/04654/FULSTL</p>	<p>To GRANT planning permission.</p>
<p>5.1 - Humbie Farm Road, Humbie (land 178 Metres East of Humbie Cottage)</p>	<p>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</p>	<p>To AGREE to a further three-month extension to the period to conclude the legal agreement which will enable planning permission to be released for this application.</p>
<p>5.2 - 1 Lanark Road, Kingsknowe, Edinburgh</p>	<p>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</p>	<p>To REFUSE the application to modify clause 3 of the section 75 legal agreement as the proposals were contrary to Local Development Plan Policies Hou6 and NPF4 Policy 16(e). (On a division)</p>
<p>5.3 - 124 Salamander Street, 1 - 3 Salamander Yards, South Leith, Edinburgh</p>	<p>The proposals comprise a 5 - 6 storey building providing 99 residential apartments with associated access, parking & landscape (as amended) – application no. 22/03430/FUL</p>	<p>To AGREE to a further three-month extension to the period to conclude the legal agreement which will enable planning permission to be released for this application.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.1 - 525 Ferry Road, Edinburgh, EH5 2DW</p>	<p>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</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer. (On a division)</p>
<p>7.2 - 73 - 75 George Street, Edinburgh, EH2 3EE</p>	<p>Change of use of floors 1-3 from office to serviced apartments with external alterations and extensions. As amended – application no. 23/03109/FULSTL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives, and a legal agreement, as set out in section C of the report by the Chief Planning Officer.</p>

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Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission STL
55 Broughton Road, Edinburgh, EH7 4EX**

Proposal: Change of use from office to short term let visitor accommodation.

**Item – Committee Decision
Application Number – 24/00456/FULSTL
Ward – B12 - Leith Walk**

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 change of use of this property to a short term let (STL) will not result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

SECTION A – Application Background

Site Description

The application property is a 19.5sqm ground floor office located on the north western side of Broughton Road at the corner with Beaverbank Road. The property has its own main door access to the street. This section of Broughton Road is a busy thoroughfare featuring high density residential tenements and a moderate degree of activity during the day and night.

The properties above and adjoining the application property are in residential use. The wider area contains commercial uses as well as residential properties, including within approximately 100m of the site a public house, a supermarket, a café and a church.

Description Of The Proposal

The application is for the change of use of the property from office to STL (sui generis). No external physical changes are proposed.

Supplementary Information

Supporting Planning Statement

Relevant Site History

06/01530/FUL

55 Broughton Road

Edinburgh

EH7 4EX

Create a 2 bedroom flat on ground and basement level and single office on ground level from an existing shop

Granted

6 June 2006

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 February 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 23

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

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

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

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.

Proposed use

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

NPF4 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 change of use of the property is not considered to pose an unacceptable impact to neighbouring amenity, or to be of detriment to the living conditions of nearby residents.

Whilst there are residential properties above and adjacent to the application site, when considering the small size of the property, Broughton Road's character as a busy thoroughfare, the level of activity and patterns of movement typical of this section of Broughton Road, and the high likelihood that the additional servicing of the property necessitated by the change of use would be conducted during the daytime, the change of use from office to STL will not result in an unreasonable impact to nearby residences.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

The proposed change of use will not result in a loss of residential accommodation. As such, the proposal complies with NPF 4 30(e) part (ii).

Transport

No parking is proposed. This complies with the requirements of the Edinburgh Design Guidance and is therefore considered acceptable.

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

Conclusion in relation to the Development Plan

The change of use of this property to an STL will not result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan policy NPF4 policy 30(e) and LDP policy Hou 7.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

23 comments in support of the application were received. A summary of the issues raised is provided below:

material considerations - Assessed in Section A.

- Appropriate use for this location.
- The characteristics of the building and wider area.
- Will not result in a loss of residential accommodation.
- No unreasonable impact to neighbouring amenity.
- Complies with the Development Plan.
- Complies with the Guidance for Businesses.
- Positive impact to the local economy.
- Proposal is well located to be accessed by active and public transport modes.
- Positive impact to the local community. No significant impact to the community is identified.

non-material considerations

- Will result in income for the applicant.
- Quality of the proposed internal fit out.
- Size of the existing commercial unit.

Conclusion in relation to identified material considerations

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

Overall conclusion

The change of use of this property to an STL will not result in an unacceptable impact to neighbouring amenity or the loss of residential accommodation. The proposal does not raise any concerns with regard to transport matters. The proposal complies with the Development Plan. There are no material considerations that outweigh this conclusion. The proposal is acceptable.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

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

Reasons

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

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 31 January 2024

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

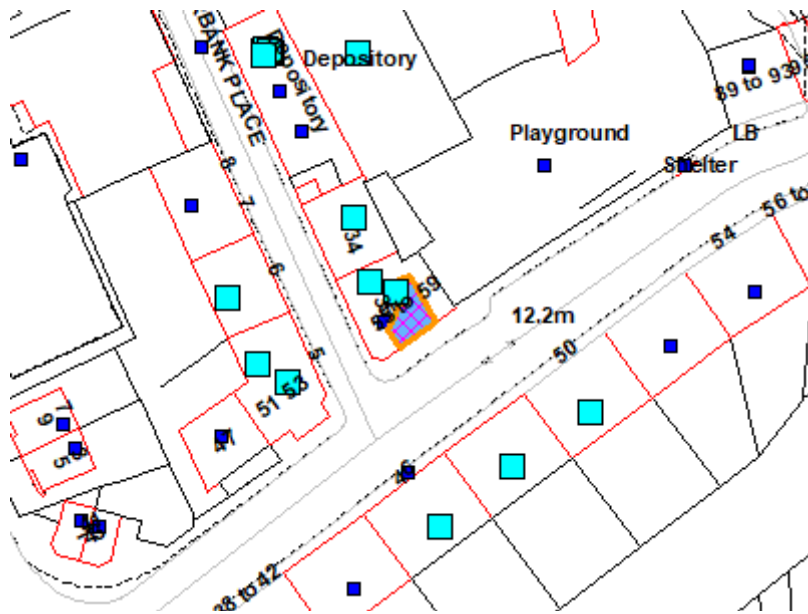
Contact: James Armstrong, Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission STL
Drylaw House, 32 Groathill Road North, Edinburgh**

Proposal: Proposed erection of 3 Nos. self-contained holiday lodges with provision of external shared deck area, associated landscaping, access arrangements and car parking.

**Item – Committee Decision
Application Number – 23/03426/FULSTL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

The proposal is acceptable with regard to impact on residential amenity and tourism-related development in relation to NPF 4 policy 30(b). Whilst the proposal does not wholly comply with LDP Policy 18 in relation to open space, it is considered acceptable in this instance given it is small section of a larger area of private open space and a landscaping plan has been proposed.

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

SECTION A – Application Background

Site Description

The application relates to an area of land within the grounds of Drylaw House. The application site is an area of land which measures approximately 4,724 square metres and sits to the north-east of the House. Access to the site is via a private driveway from Groathill Road North.

The proposed development is within the setting of the following listed buildings and structures:

Drylaw House

The principal building Drylaw House is a substantial two storey villa, with attic and basement. Drylaw House, is a category A listed building (LB28060) designated 27/10/1965.

Stables Courtyard

The application site is in close proximity to Stables Courtyard, a series of buildings built around a courtyard, to the north of Drylaw House. The buildings surrounding the courtyard are mostly ruinous - category B listed, 29/11/1990 (LB28064).

There are six trees within the vicinity of the development site which are protected by a Tree Preservation Order (TPO). The grounds of the House, including the site, are designated as open space in the Edinburgh Local Development Plan (2016). The Open Space Audit (2016) categorises the designation as private large grounds.

Description of the Proposal

The proposal is for the erection of three prefabricated, one-bedroom self-contained holiday lodges. Each lodge is 28.8 m² and three metres in height. They are to be finished in timber cladding and will each have an external deck that is 26m² including a hot tub.

Access to the site is via a private driveway from Groathill Road North, with parking located to the south of the site. Three parking spaces have been proposed on existing hardstanding, including an electric vehicle charging station.

Proposed landscaping includes planting of new native trees, hedges and shrubs and communal decking located in the listed setting of the Stable Courtyard.

Supporting Information

- Planning Statement
- Design and Access Statement
- Surface Water Management Plan
- Surface Water Drainage Strategy

Relevant Site History

21/02664/FUL

Drylaw House

32 Groathill Road North

Edinburgh

EH4 2SL

Change of use of Drylaw House to short-term let visitor accommodation (Sui Generis).

Granted

10 September 2021

21/03191/FUL

Drylaw House

32 Groathill Road North

Edinburgh

EH4 2SL

Section 42 application for Drylaw House. Variation of Condition 1 of application 20/04410/FUL to allow use of the building by all class 7 uses.

Granted

10 September 2021

Other Relevant Site History

No further relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Archaeology

Flood Planning

Transport Planning

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 9 August 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 9

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- Managing Change in The Historic Environment: Setting

The application site forms part of the setting of the original Drylaw House and the Stable Courtyard ruins. The main area of development will be located to the north of the approach to the main house set between the northern boundary and an existing track; this area of land is set away from Drylaw House by approximately 45m.

The scale of development must be considered in relation to the existing historical assets and the impact it may have with the principal building and listed features on-site.

The scale, design and positioning of the lodges and associated landscaping works will ensure these new buildings sit comfortably and discretely within the site. The existing mature landscaping will help to screen these new interventions.

The proposals include an area of communal decking within the ruinous Stable Courtyard. This new timber decking will be located in a semi enclosed space, will be undertaken in a manner sympathetic to this remaining historic element and will be set back from the existing structure, allowing it to remain clearly visible.

Overall, the development will not harm the setting of the Drylaw House and other listed elements. The proposed lodges and area of decking will be sensitively located within the surrounding landscape and will respect the historical interest and setting of the existing listed buildings.

Conclusion in relation to the listed building

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

b) The proposals comply with the development plan.

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

- NPF4 Sustainable Places Policy 1, 2, and 3.
- NPF4 Productive Places Tourism Policy 30.
- NPF4 Historic Assets and Places Policy 7.
- NPF4 Policy 14
- NPF4 Policy 21 and 22
- Local Development Plan Design Policies 1 and 4.
- 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 policy NPF 4 Policy 7.

Listed Buildings

Historic Environment Scotland were consulted and had no objection to the proposal. This has been assessed above. There will be no significant impact on historic assets or places. The proposal therefore complies with NPF 4 Policy 7.

Proposed Use

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. NPF 4 Policy 30 (b) for new tourism related development is relevant to this application in addition to LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) which seeks to protect residential amenity.

The site is located within a predominantly residential area. However, in this instance, there is an area of open space to the north of the site which acts as a buffer between the boundaries of the residential properties on Wester Drylaw Place and the site boundary. The nearest residential property to a lodge is approximately 25 metres, with a boundary treatment of a tall fence and newly planted treeline, with existing mature trees. The lodges are orientated away from neighbouring residential properties.

The proposed lodges are small, accommodating two adults per lodge. Whilst guests will have access to a communal wooden deck, this is located approximately 40 metres from the closest neighbouring residential property.

Environmental Protection were consulted on the application with no objection. A condition was recommended by Environment Protection that ensures the boundary fence remains in situ for the duration of the use of the premises for STLs. With the recommended condition the proposal would not have a materially detrimental effect on neighbouring residential amenity.

The proposal is compatible with the surrounding area in terms of the nature, scale and will not have a detrimental impact on neighbouring amenity.

The proposal complies with LDP policy Hou 7 and NPF Policy 30(b) relevant criteria with regards to amenity and character of the area.

The proposal will result in three new holiday lodges within the grounds of existing visitor accommodation. The running of the accommodation and visitor spend will contribute to the local economy.

Design

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

LDP policy Des 1 (Design Quality and Context), Supports development which contribute towards a sense of place and design should draw from positive aspects of the surrounding area.

LDP policy Des 4 (Design - Setting) supports development that has a positive impact on its setting, including the wider landscape having regard to height and form; scale and proportions, including space between buildings; position of buildings and other features on site; materials and detailing.

The lodges are of a modest scale, designed in sympathetic materials and located in positions which integrate with their surroundings. Existing young and mature trees will help contribute to the natural landscape to be retained.

The proposal will not have a damaging impact on the character and appearance of the area. It complies with LDP Design policies and NPF policy 14.

Open Space

The proposed site is designated as Drylaw House (PRI 42) Open Space totalling 2.28 hectares. Within Edinburgh Council's 2016 Open Space Audit, PRI 42 is listed as being in private ownership and not publicly accessible.

Policy ENV 18 of the LDP seeks to protect open spaces within the city including those within private ownership. The policy requires to ensure that there is no impact on the quality or character of the local environment, it is part of a larger area and there is overprovision within the area and the loss would not be detrimental to the wider network.

The proposals are set within the context of a well-established mature garden that provide the context and setting for Drylaw House. Historically there were a range of ancillary buildings within the curtilage of the property. The introduction of the 3 pods would be a modest addition within the wider landscape setting. There would be no overall reduction in the character or quality of the open space. The proposals would also introduce wildflower meadow planting into the area which would increase the biodiversity value of the area.

The proposals do not comply with parts d) or e) of Policy ENV18 as there is no local benefit to the loss of the small area of open space. When the proposals are considered on the context of the existing house, the private nature of the area of open space and there is no overall detriment to the open space network and exception is considered acceptable in this case.

On balance, the non-compliance with LDP policy 18 is considered acceptable in this instance.

Sustainability

The Design and Access Statement details the proposal will include a variety of methods to improve sustainability throughout the development and life cycle of the lodges. This includes energy and water reduction strategies, as well a waste management and recycling strategy.

The lodges utilise low carbon timber materials, high quality insulation and will be constructed off-site to minimise carbon emissions. These measures will help lower carbon emissions throughout the life cycle of the development.

The site is located within the gardens of the principal property of Drylaw House. The proposed landscape strategy includes planting of native species and trees which will enhance biodiversity on the site.

The proposal complies with the intent NPF 4 policy 1, 2, 3 and 30(b) in regard to climate and the nature crisis.

Flooding

A surface water management plan was provided as part of the application along with an A1 Certificate - Self Certification. The site lies out with the potential flooding zones. Sustainable Urban Drainage Systems (SUDS) have been proposed on site to help attenuate rainwater discharge. Footpaths proposed are to be permeable, which limits the amount of impermeable surface on site.

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 intent of NPF 4 policy 22 (Flood risk and water management) is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

As identified on SEPA flood maps, the site for the development does not have any specific flood risk. The proposals will be connected to the existing drainage system as detailed on the submitted plans.

Flood Planning were consulted with no objection, however, stated that the applicant should confirm that Scottish Water accept the surface water discharge to the combined network.

Given the small-scale nature of the proposals, it is not anticipated there will be any significant impact from the development in terms of flood risk. The proposal complies with LDP policy Env 21 or NPF4 policy 22.

Archaeology

The site is located in area of archaeological importance due to its relationship with Old Drylaw House which dates back to the medieval period. As the development has the potential to impact on archaeological remains, the City's Archaeologist recommends a condition be attached to the grant of planning permission requiring a programme of archaeological work is undertaken prior to development taking place on site.

With the attached condition the proposal complies with NPF4 policy 7.

Transport

The proposed site is accessible via public transport by bus. Three additional parking spaces, with one EV charging station. They are located on an existing hardstanding location beside existing parking outside of the principal property of Drylaw House.

Cycles could be parked inside the property.

Edinburgh Council Transport officers were consulted and made no objection to the application.

The proposals comply with NPF Policy 30(b), LDP Policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The proposal is acceptable with regard to impact on residential amenity and the character of the area and does not result in loss of residential accommodation. It complies with LDP policy Hou 7 and NPF 4 policy 30(e). Despite the proposal not complying with parts d) or e) of Policy ENV18, the overall detriment to the open space network and exception is considered acceptable in this case.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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 nine public contributions, six objections and three supporting. A summary of the representations is provided below:

material considerations in objection

- Change of use would have a negative effect of the neighbouring residential amenity.
- Detrimental effect on biodiversity.

non-material considerations in objection

- An objection to noise that arises from garden maintenance of the existing site.
- Concern that the development would have an effect on views.

material considerations in support

- Quality design.

- The short term let development is well positioned to not effect nearby residential amenity.

non-material considerations in support

- The proposal will help the local economy.

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

The proposal is acceptable with regard to impact on residential amenity and tourism-related development in relation to NPF 4 policy 30(b). Whilst the proposal does not wholly comply with LDP Policy 18 in relation to open space, it is considered acceptable in this instance given it is small section of a larger area of private open space and a landscaping plan has been proposed.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The 1.8m closed boarded boundary fence as shown on drawing 230342-01-03 and dated 18/07/23 should remain in situ for the duration of the proposed development.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons

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

2. To protect the existing residential amenity of the neighbouring residential properties.
3. In order to safeguard the interests of archaeological heritage.

Informatives

1. No development shall take place on the site until the applicant has provided confirmation that Scottish Water accept the surface water discharge to the combined network.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 August 2023

Drawing Numbers/Scheme

01 - 03, 04A, 05 - 07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objections to the proposal. Recommend two conditions are attached to ensure the delivery of EV charging standards and the retention of the existing boarded boundary fence.

DATE: 29 January 2024

NAME: Archaeology

COMMENT: City of Edinburgh Archaeology officer recommended that a condition is attached to ensure that a programme of archaeological mitigation is undertaken.

DATE: 18 August 2023

NAME: Flood Planning

COMMENT: No objection.

DATE: 14 September 2023

NAME: Transport Planning

COMMENT: No objection made.

DATE: 22 August 2023

NAME: Historic Environment Scotland

COMMENT: No comment.

DATE: 29 August 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 17 April 2024

**Application for Planning Permission
20 Haymarket Yards, Edinburgh, EH12 5WU**

Proposal: Erection of office (Class 4) and associated public realm, landscaping, and cycle parking.

**Item – Committee Decision
Application Number – 24/00297/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-Committee because the Section 75 Contributions as in excess of £250,000 and the redevelopment of the site is of wider public interest. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with National Planning Framework 4 and the Local Development Plan and the relevant non-statutory guidance. The proposal will deliver a sustainable and well-designed office scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the area and contributes to a sense of place. Although the development will have a minor daylighting impact on some neighbouring properties, this is considered acceptable given the dense city centre location. The proposal would bring significant economic benefits to the city. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

Vacant brownfield site on the north-east side of Haymarket Yards. The site in the City Centre as defined in the Local Development Plan 2016 (LDP).

The adjacent uses are primarily office developments however residential tenements are located to the north of the site on Haymarket Terrace. There is also a consented Purpose Built Student Accommodation (PBSA) (application reference 21/04413/FUL) scheme planned on a vacant plot immediately north-west of the site.

The site is not in a conservation area, however the New Town Conservation Area and World Heritage Site boundary is located to the northeast at Haymarket Terrace. Coltbridge and Wester Coates conservation area lies to the northwest of the site.

There are a number of listed buildings near to the site, including:

- The Category A listed Haymarket Station (listed 27 October 1964, reference LB26901).
- 1 - 40 Coates Gardens which are category B listed (listed 25th February 1965, references LB28565 and LB28567)
- Distillery Lane Easter Dalry House And Boundary Wall is category B listed and south of Haymarket Station (listed 8 May 1975, reference LB 26824)
- Distillery Lane and Dalry Road, Caledonian Distillery are category B and are also to the south. Included are former warehouse buildings and a 90m high former chimney (listed 26 October 1989, LB26811).
- Haymarket Terrace, Ryrie's (formerly Haymarket Inn). This is a category B listed public house (listed 9 February 1993, reference LB 26926).

Description Of The Proposal

The proposal is for a new 6,285sqm (GIA) Class 4 office development. The building will be 83.5m AOD in height and comprise seven storeys.

The glazed office will be finished in buff tone aluminium cladding and includes a south-facing balcony system on each floor. The office will include a lobby area and break-out space on each level.

Plant will be contained at the rear of the building on the ground floor as well as a network of air source heat pumps located on the roof. Roof plant will be screened.

The proposal includes the creation of benches and raised planters along the south elevation.

A widened 3-4 metre (varied) shared use footway outwith the red line boundary will be created along the north side of Haymarket Yards (revised drawing number 24). The adopted footway will be finished in Hot Rolled Asphalt (HRA) with white chips.

There will be 45 secure cycle parking spaces on the ground floor including:

- 16 Sheffield stands for regular cycles;
- 4 Sheffield stands for non-standard cycles;
- 20 two-tier cycle racks; and
- 5 lockers for folding bikes.

There will also be 10 visitor parking spaces near the entrance.

Supporting Information

- Design and Access Statement;
- Townscape and Visual Appraisal;
- Heritage Statement;
- Sustainability Statement;
- Contaminated Land Information;
- Transport Statement; and
- Noise Impact Assessment.

Relevant Site History

22/04595/FUL

20 Haymarket Yards

Edinburgh

EH12 5WU

Demolition of existing buildings and erection of mixed-use development comprising hotel (class 7) with ancillary cafe, office (class 4), and associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing and access.

Granted

13 September 2023

21/05661/PAN

20 Haymarket Yards

Edinburgh

EH12 5WU

Redevelopment of site for mixed-use development (two buildings) comprising hotel (class 7), office (class 4) and café (class 3) use, with associated public realm, active travel links, landscaping, EV charging infrastructure, cycle and car parking, servicing, and access.

Pre-application Consultation approved.

8 November 2021

Other Relevant Site History

N/a

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Roads Authority

Edinburgh World Heritage Trust

Historic Environment Scotland

Flood Planning

Environmental Protection

Police Scotland

Network Rail

Scottish Power

Scottish Water

Archaeologist

Edinburgh Trams

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

Publicity and Public Engagement

Date of Neighbour Notification: 31 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: 0

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals harm the listed building or its setting?

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

- Managing Change - Setting

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

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

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

The listed buildings affected to any significant extent by this development in terms of setting comprise Haymarket Station and those at 1 - 36 Coates Gardens.

Haymarket Station

The existing setting of Haymarket station includes the 5 storey sandstone tenement block along Haymarket Terrace, the 7 storey Haymarket Hub hotel opposite the station entrance and the 5 storey City Point office block on the corner of Haymarket Yards.

The setting on the approach from the east is of the Station building set squarely at the end of a vista with limited buildings within this setting. Its setting includes the vista along Atholl / Coates Place and West Maitland Street. The listed chimney stack can be

seen behind. There are some low-rise buildings around the station including the listed Ryrie's pub, the nearby Dalry colonies and the station's own extension.

The proposed east office at 20 Haymarket Yards is set back by 200 metres from the primary frontage of the station, such that it will have a moderate but acceptable impact on the setting of the building. The proposed buff aluminium facade further corresponds with the sandstone finish of the station entrance.

The roof plant will be enclosed by perforated steel screening specified to colour match elements of the building elevations. The visual impact of the roof plant is considered acceptable given the constraints around locating air source heat pump units.

It should be noted that the proposed redevelopment of Rosebery House on Haymarket Terrace has recently been granted planning permission on appeal by Scottish Ministers consent at Appeal (Appeal Reference: PPA-230-2431). If this development was built, it would alter the setting of the station and block out views of the 20 Haymarket Yards proposal from Morrison Street/West Maitland Street.

Historic Environment Scotland made no comments on the proposal.

Coates Gardens

1 - 40 Coates Gardens, completed in 1876, comprise two rows of B listed 2 storey ashlar sandstone terraces with polished dressings and large bay timber sash windows. They form part of the New Town Conservation Area and World Heritage Site which is a planned urban concept characterised by Georgian formality. Facing southwards down the sloping cobbled street, the 5-storey sandstone tenement block lining the south side of Haymarket Terrace forms the immediate setting of Coates Gardens.

The proposal would rise up above the south side of this tenement block and become visible from the north-end of Coates Gardens. From this viewpoint, the height of the building would not dominate the setting of listed buildings on Coates Gardens and the proposed buff aluminium cladding provides a contemporary interpretation of the existing sandstone palette on Coates Gardens.

Other listed buildings

There are other listed buildings surrounding the site including Ryrie's and Distillery Lane (including the B listed chimney stalk). Although the setting of these buildings would be altered, it is not considered that the proposal would harm these historic assets, given the evolving townscape of the Haymarket area.

Conclusion in relation to the listed building

In view of the Planning (Listed Building and Conservation areas) (Scotland) Act 1997, it is considered that the moderate impact on the wider setting of the Category A listed Haymarket Station and the B listed terrace on Coates Gardens is acceptable.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies

supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Policy 1 Global Climate and Nature Crises
- NPF4 Policy 7 Historic Assets and Places
- NPF4 Policy 14 Design, Quality and Place
- NPF4 Policy 27 City, Town, Local and Commercial Centres
- LDP Policy Des 5 Amenity
- LDP Policy Tra 3 Parking
- LDP Policy Emp 1 Employment
- LDP Policies Del 1 and Del 2 Developer Contributions and City Centre Development
- LDP Policies Env 21 and Env 22 Flood Risk and Contaminated Land

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

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

Principle of Development

The principle of use is acceptable. The proposed office (class 4) is in accordance with the previous office use on site.

The site in the City Centre which is a suitable location for new office developments. The site is well connected to a major transport interchange at Haymarket station, 200m away.

The proposal will enhance and improve the vitality and viability of the area as a commercial/retail hub. It is estimated that 420 people could be employed in this Grade A office development.

The proposal complies with LDP Policy Del 2, Emp 1 and NPF Policy 27.

Global Climate and Nature Crises

The building fabric is designed to be long-lasting and meet high standards of thermal efficiency. A cluster of air source heat pumps on the roof of the building will also provide low carbon space heating and hot water to the office.

The proposal includes a section of living roof as well as planting in the public realm which will deliver a net increase in soft landscaping.

The development site is near the City Centre Air Quality Management Area (AQMA) which has been declared for exceedances in NO₂ and traffic from this development could feed into this AQMA. The car-free development and densified use in a strategic location beside a major transport intersection would lead to travel emission reductions over the existing scenario.

The proposal has a neutral impact with respect to NPF4 Policy 1, 2 and 3.

The proposal complies with NPF4 Policy 1, 2 and 3.

Design

The height, mass and scale of the building is very similar to the consented hotel on this site. Although the building height will rise above the existing sandstone tenement block on Haymarket Terrace, the site is 5 metres below Haymarket Terrace and the proposal will be situated within an existing and emerging cluster of commercial developments. The proposed east office will be approximately 8 metres lower in height than the consented west office at 20 Haymarket Yards, occupying a subservient position on the corner of the block.

The glazing system and articulation of the facade corresponds closely with the consented west office block under reference 22/04595/FUL. This reflects the commercial character of the area while the buff aluminium cladding provides a contemporary reference to the sandstone setting of Haymarket Terrace.

The public realm proposal includes a granite finish which will create a high quality environment and add character to the street. The introduction of seating and raised planters along Haymarket Yards will activate the frontage of the building in addition to a proposed ground-floor cafe on the corner of the building granted consent under reference 24/00298/FUL.

The proposal complies with NPF4 Policy 14.

Historic setting

The New Town Conservation Area and World Heritage Site is a planned urban concept characterised by Georgian formality. As above, the setting of the conservation area will be moderately impacted on Coates Gardens, facing south down the street.

The proposal would rise up above the south side of the tenement block which forms the setting of Coates Gardens. From this viewpoint, the height of the building would not dominate the setting of terraces on Coates Gardens and the proposed buff aluminium cladding corresponds to the existing sandstone palette on Coates Gardens.

Historic Environment Scotland made no comments on the proposal. Edinburgh World Heritage Trust do not object to the proposal however they consider that the building height should be reduced by two storeys. This is in order to minimise harm caused to the characteristically uniform/limited heights of the existing historic townscape and mitigate the impact on its Outstanding Universal Value. Although the proposal would alter the setting of Coates Gardens, given the above, it is considered that on balance, the impact is acceptable and localised to this particular street within the World Heritage Site.

It is considered that the moderate impact on the setting of the New Town Conservation Area is acceptable.

The proposal complies with NPF4 Policy 7.

Amenity

The surrounding area contains a mix of uses including retail, food and drink, assembly and leisure, student accommodation, offices, hotels and flatted development.

A daylight and sunlight assessment has been submitted as part of this application. The amount of daylight reaching an external wall is measured by the Vertical Sky Component (VSC). The Council typically requires this to be more than 27% or 0.8 of its former value.

As a result of the proposal, it is anticipated that 7 out of 84 windows in the tenement block to the north will fail to meet the minimum VSC levels above. Given the dense, city centre location of the site, this level of impact is commonly found and considered acceptable in this instance.

If a proposed development would not meet these VSC requirements, particularly in the more sensitive and densely planned parts of Edinburgh, the Council requires more detailed information on the likely amount of daylight in affected rooms in existing buildings. This is assessed using the Average Daylight Factor (ADF) methodology.

A total of 21 out of 23 assessed habitable rooms in the tenement block passed the ADF assessment. The remaining 2 rooms fail to achieve the ADF recommended for kitchens (2%) with ADF of 1.4% and 1.6% achieved respectively. This is still considered to be a reasonable level of daylight given the high density urban location. These impacts are considered acceptable in this regard.

The proposal will permit at least 2 hours of sunshine on neighbouring outdoor amenity spaces at the Spring equinox. The proposal complies with the Edinburgh Design Guidance with respect to sunlighting.

The air source heat pumps on the roof of the proposed building are a sufficient distance from the nearest residential properties. Environmental Protection raise no objection subject to the condition that details of the plant specification are submitted and agreed in writing by the Planning Authority prior to occupation of the development.

The office will be more than 21m from neighbouring properties to the north and therefore overlooking is not considered to be an issue.

The use will not result in an adverse impact on the living conditions of the existing residents within the area.

The proposal complies with LDP Policy Des 5.

Transport and Access

The site is in a highly sustainable location within a short walk from Haymarket train station, bus stops, tram stops and active travel routes including NCR 1 and the City Centre West East Link under development.

The site has level-access from Haymarket station and tram stops. Site constraints are such that no parking provision has been proposed.

Given the accessible City Centre location of the site and the level access available, it is considered that accessible parking bays are not required. Furthermore, a loading and drop-off bay will be formed on Haymarket Yards as part of the wider site under development which will service this office. There are also public parking spaces nearby on Haymarket Terrace which can be used by Blue Badge Holders.

There are 45 secure cycle parking spaces proposed and 10 visitor cycle parking spaces. No more than 50% of secure parking will be two-tier and space has been provided for non-standard cycles. Provision of cycle parking is in line with guidance. The Roads Authority raise no objection to the proposal.

The proposal complies with LDP Tra 3.

Flood risk and Water Management

The Applicant has submitted a flood risk self-assessment declaration form. The submitted Flood Risk Assessment confirms that in the event of a 1:200 year flood, the building would not flood. Furthermore, flood depths on the road would mean that flow is held within the carriageway itself, below the kerb level. This confirms that dry access to the unit will be maintained during flood events.

The surface water management plan is considered acceptable given the constraints of the site. Flood Planning raise no objection.

Scottish Water raise no objection, however the Applicant must make a formal connection application.

The proposal complies with LDP Policy Env 21.

Contaminated land

The Applicant has submitted a contaminated land report as part of the original site consent under reference 22/04595/FUL. The report suggests that no further investigation and/or remediation will be necessary to ensure that the development is suitable for use. Environmental Protection were satisfied that no further mitigation measures were required and discharged the original condition.

However, the Council must treat this application as a stand-alone proposal. For this reason, a standard contaminated land condition will be attached to this application.

The proposal complies with LDP Policy Env 22.

Archaeology

The site overlies part of the former Haymarket Railway Goods Yards, which date back to the 1840's. Prior to this the site formed part of the lands associated with the medieval Coates and Dalry Estates. Accordingly, the site is regarded as being of archaeological significance. However, the results of the monitoring of the demolition of the adjacent Elgin House by AOC in December 2023 (AOC report 26541) demonstrated that the construction of these late 20th century offices has significantly disturbed any early deposits.

Given these results it is considered unlikely that the scheme will impact upon any significant Railway era or earlier remains. Therefore, it has been concluded there are no, known, archaeological implications regarding this application. The archaeology officer has raised no objection.

Tram and trainline

The proposal will not alter the carriageway or tramline. Edinburgh Trams and Network Rail raise no objection to the proposal subject to compliance with non-planning requirements and advisory notes set out in their consultation letters. A condition will be applied to ensure that the lighting design is agreed with the Planning Authority prior to installation.

Electricity sub-station

The proposal will re-locate the existing electricity substation to the rear of the site but provide 24 hour access. Scottish Power raises no objection.

Legal agreement

A tram contribution of £539,757 (based on 6,705sqm office use in Zone 1) will be required in the event of planning permission being granted.

Conclusion in relation to the Development Plan

The proposal complies with National Planning Framework 4, the Edinburgh Local Development Plan and the relevant non-statutory guidance and has no adverse impact on amenity.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

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

Public representations

No letters of representation were received.

Conclusion in relation to identified material considerations

The proposal does not raise any issues in relation to other material considerations.

Overall conclusion

The proposal is acceptable with regard to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposed development complies with National Planning Framework 4 and the Local Development Plan and the relevant non-statutory guidance. The proposal will deliver a sustainable and well-designed office scheme that will contribute to climate mitigation and adaptation. The design draws on the character of the area and contributes to a sense of place. Although the development will have a minor daylighting impact on some neighbouring properties, this is considered acceptable given the dense city centre location. The proposal would bring significant economic benefits to the city. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No part of the development hereby granted will be occupied until such time as the adopted footway on the north side of Haymarket Yards is upgraded in accordance with the revised landscape plan (drawing number 24). The 3-4m (varied) shared use footway will be finished in Hot Rolled Asphalt with white chips.
3. A further assessment of the plant noise and mitigation should be undertaken once the plant specifications have been confirmed. These measures should be submitted and agreed with the Planning Authority prior to occupation of the development. Air source heat pumps must comply with NR25 noise limits.
4. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

5. A lighting scheme shall be submitted to and approved in writing by the Planning Authority prior to lighting works being installed. The lighting scheme shall be carried out only in full accordance with such approved details.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to comply with the Council's adopted roads policy.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to protect occupier amenity from contamination.
5. In order to ensure that any lighting proposals including floodlighting does not interfere with the sighting of signalling apparatus and/or train drivers' vision on approaching trains.

Informatives

It should be noted that:

1. A legal agreement must be concluded that addresses the following matters:

A tram contribution of £539,757 (based on 6,705sqm office use in Zone 1) will be required in the event of planning permission being granted.

2. The Applicant shall out carry out an upgrade of the adopted footway on the north side of Haymarket Yards as outlined in the revised proposal (drawing 24). 3-4m (varied) shared use path in Hot Rolled Asphalt).

3. 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.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 January 2024

Drawing Numbers/Scheme

01-24

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Simon Wasser, Assistant Planning Officer
E-mail:simon.wasser@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Roads Authority

COMMENT: No objections to the proposal subject to the requirement that adopted footways are finished in Hot Rolled Tarmac with white chips. The proposal does not involve any works to the carriageway. The proposal will provide level access from public transport links and a drop-off bay. Parking provision is therefore not required. The applicant will be required to contribute the sum of £539,757 (based on 6,705sqm office use (£539,757) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions guidance.

DATE: 15 March 2024

NAME: Edinburgh World Heritage Trust

COMMENT: No objection but concerns over height.

DATE: 26 March 2024

NAME: Historic Environment Scotland

COMMENT: No comments.

DATE: 15 March 2024

NAME: Flood Planning

COMMENT: No objection.

DATE: 15 March 2024

NAME: Environmental Protection

COMMENT: No objection.

DATE: 15 March 2024

NAME: Police Scotland
COMMENT: No objection.
DATE: 15 March 2024

NAME: Network Rail
COMMENT: No objection.
DATE: 15 March 2024

NAME: Scottish Power
COMMENT: No objection subject to ensuring that the development allows access to the electricity sub-station on site.
DATE: 15 March 2024

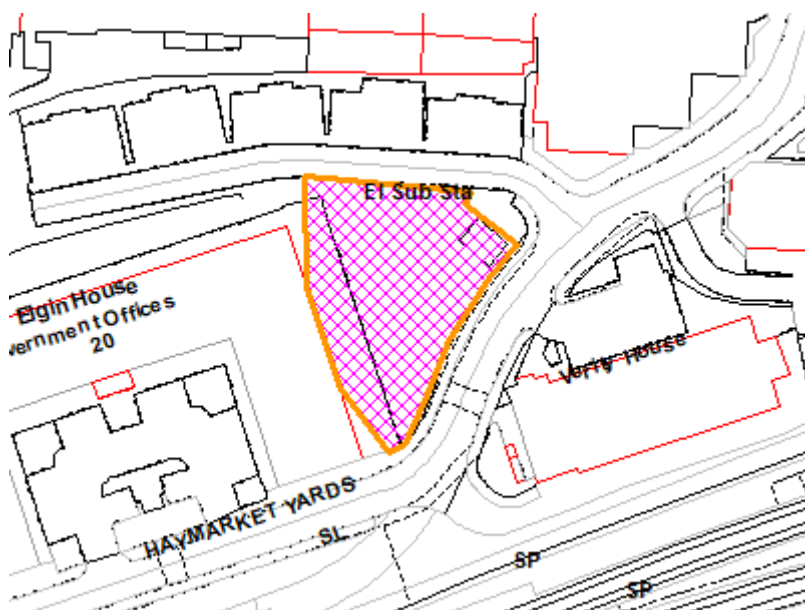
NAME: Scottish Water
COMMENT: No objection.
DATE: 7 February 2024

NAME: Archaeologist
COMMENT: No objection. A programme of archaeological investigations has been carried out and no remains of archaeological significance have been uncovered.
DATE: 15 March 2024

NAME: Edinburgh Trams
COMMENT: No objection. The Applicant should view additional informatives in the consultation letter. Edinburgh Trams will need to be closely consulted prior to and during construction.
DATE: 15 March 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 17 April 2024

**Application for Planning Permission STL
4 Hope Street, Edinburgh, EH2 4DB**

Proposal: Alterations and change of use from offices to 6 No. short term let flats.

**Item – Committee Decision
Application Number – 23/06659/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 will not have an unacceptable impact on neighbouring amenity, nor will it result in the loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters. The application is in accordance with the development plan. It is therefore recommended that the proposal be granted. The application is acceptable with regard to heritage and transport matters subject to the necessary tram contribution being made. 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 subject to a suitable legal agreement being reached regarding the tram contribution.

SECTION A – Application Background

Site Description

The application site is the first, second and third floors of a 3-storey basement and attic classical tenement (including the ground floor entry and staircase) located on the western side of Hope Street. The ground and basement floors of the tenement are in use as a public bar, whilst the first, second and third floors are in use as offices. The building is dated circa 1970; with alterations and additions by Stephen & Maxwell, 1987.

Hope Street and its surrounding area comprises a mix of commercial and residential uses, 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 B Listed Building, 2 and 4 Hope Street and 46 Queensferry Street, LB29092, 03/03/1966.

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 from offices of the property's three upper floors to form six two-bedroom properties in short term let use, as well as internal alterations to facilitate the new properties, the formation of new window openings and replacement slimline double glazing.

Scheme 4 omits the flagpole from the proposals, amends the window configuration on the west elevation and introduces one cycle parking space to the ground floor of the building.

Supporting Information

Access and Design Statement
Planning Statement

Relevant Site History

23/06671/LBC
4 Hope Street
Edinburgh
EH2 4DB

Alterations and change the use from offices to 6 No. short term let flats.
Granted
26 January 2024

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transport

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 7 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 December 2023

Site Notices Date(s): 8 December 2023

Number of Contributors: 2

Section B - Assessment

Determining Issues

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

- *Managing Change - Interiors*
- *Managing Change - Windows*

The internal alterations are acceptable as the property has been heavily refurbished in the past and little historic fabric remains. The installation of new nonloadbearing partitions and a new separating floor is acceptable and will not impact on any historical architectural features. The existing interior is modern in character with modern mouldings and the alterations are acceptable in this context.

The re-opening of a former window and the reconfiguration of an existing window on the west elevation is acceptable. The new window openings will match the existing windows on this elevation in terms of dimensions and profiles. The existing openings will be infilled using existing stone.

The glazing to the existing windows is to be replaced with narrow profile double glazing with a cavity gap of no more than 6mm in accordance with Council guidance and this is acceptable.

The proposal will not have a detrimental impact on any historical architectural features and will therefore not adversely impact on the special architectural or historic interest of the listed building.

Conclusion in relation to the listed building

The proposal will not have a detrimental impact on the special architectural or historic interest of the listed building and is acceptable with regards 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.

The proposed changes represent minor alterations to the building. By virtue of their size, location and suitable materials, the works would not have a detrimental impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

The 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 Sustainable Places Historic assets and places Policy 7.
- NPF4 Productive Places Tourism Policy 30.
- Local Development Plan Delivering the Strategy policy Del 1.
- 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.

The Developer Contributions and Infrastructure Delivery Supplementary Guidance is a material consideration when considering LDP Policy Del 1.

Listed Buildings, Conservation Area, and World Heritage Site

Impact to the Listed Building and the New Town Conservation Area were assessed in sections a) and b) respectively. No negative impact to the world heritage site was identified. The proposal complies with NPF4 Policy 7.

Proposed Use

With regards to NPF4 Policy 1, 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 change of use proposed is 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.

NPF4 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

Whilst there are residential properties in proximity to the application site, when considering the high level of ambient background noise in the area, which features a number of hotels, other forms of visitor accommodation and late night uses, the change of use from office to STL will not result in an unreasonable impact to the amenity of nearby residents. The level of activity and patterns of movement created by the proposed short term lets in the vicinity of the application site are unlikely to differ from what might reasonably be expected in this location by residents.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

Transport

No car parking is proposed. One cycle space is proposed. This is compliant with the requirements set out in the Edinburgh Design Guidance. Given the location of the development it is well served by public and active travel options which serve as a suitable alternative to private car use.

The applicant will be required to contribute the net sum of £8,228 (based on proposed 12 bed hotel (£52,429) and existing 491.9sqm office (£44,201) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment. A suitable legal agreement will need to be agreed in regard to the necessary tram contribution.

The proposal complies with LDP Policies Del 1, Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

The change of use to STL is acceptable with regards to residential amenity, the character of the area, and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters subject to a suitable legal agreement being reached. 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

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

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

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

Public representations

Two representations were received in objection to the application. A summary of the representations is provided below:

material considerations

- Negative impact to neighbouring amenity. Addressed in Section C.
- Guests are likely to arrive by private car. Addressed in Section C.
- Impact to the character of the area. Addressed in Section B.
- Impact to car parking availability. Addressed in Section C.

non-material considerations

- The property would be well suited to residential use.
- Inaccuracies in the supporting documents submitted regarding the number of residences on Hope Street.
- Sufficient Short Term Let accommodation in the local area.
- The regular sounding of the burglar alarm
- Property management
- Potential for anti-social behaviour. Anti-social behaviour is a matter for Police Scotland.

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 to STL is acceptable with regards to residential amenity, the character of the area, and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters subject to the necessary tram contribution being made. 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 subject to a suitable legal agreement being reached regarding the tram contribution.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

Reasons

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

Informatives

It should be noted that:

1. The applicant will be required to contribute the net sum of £8,228 (based on proposed 12 bed hotel (£52,429) and existing 491.9sqm office (£44,201) in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 December 2023

Drawing Numbers/Scheme

01, 02, 03C, 04, 05

Scheme 4

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

NAME: Transport

COMMENT: No objections subject to appropriate conditions and informatives.

DATE: 20 March 2024

NAME: Historic Environment Scotland

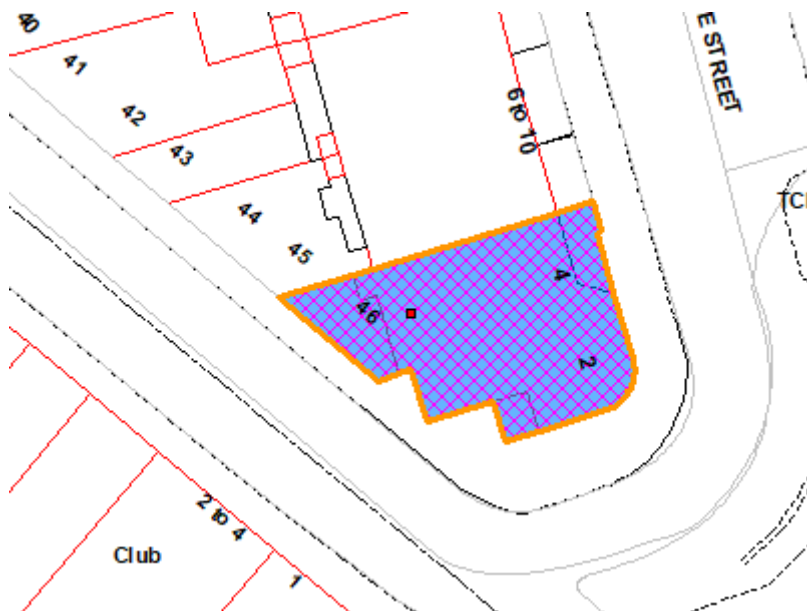
COMMENT: Following our site visit, we consider the impact of the proposed alterations to the listed building would be minimal - there appears to be little historic fabric surviving internally. However, we understand that site investigations will be taking place to determine the makeup of the building fabric. Therefore, if any historic features are discovered during this process, we would recommend that these are protected.

Additionally, a flagpole is proposed above the front door to the property, although there are limited details provided. For the proposed use as flats, we would question the need for a flagpole, which would increase the clutter on the façade. We would suggest a simple plaque by the doorway instead.

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 17 April 2024

**Application for Planning Permission
18-24 John's Lane, Edinburgh, EH6 7EU**

Proposal: Proposed change of use and alterations to existing derelict warehouse to form student housing development.

**Item – Committee Decision
Application Number – 23/06794/FUL
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as Leith Links Community Council requested to be consulted on the application as a statutory consultee and they have objected to the application. 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

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

The extent of the alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed use of the building is acceptable in land use terms. The site is not within a reasonable walking distance of any of the further/higher education institution. However, given that there is a reasonable, frequent bus services to city centre university campuses and given that cycle journey times to further/higher education institutions is reasonable, the walking journey time is not a significant infringement to LDP Policy Hou 8 Part a).

The proposals are compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and reuse of vacant and derelict buildings.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Tram and healthcare, the proposals are acceptable and comply with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no detrimental impacts on equalities or human rights. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a derelict two storey and attic former warehouse, dating from the Georgian era, located on a narrow back lane. The property has been derelict for some four decades. Sections of the building are supported by scaffold and the roof has been removed for safety reasons. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. Many windows are bricked up, especially on the west side. The building was listed category C on 5 March 1991 (LB reference: 27530).

The site lies between Constitution Street to the west and John's Place to the east. The lane access to the site is off Queen Charlotte Street to the north. There are a mix of uses within the area, including residential and commercial. The area comprises mainly traditional buildings, with some modern infill buildings. Building heights range from single-storey up to four-storey tenements. The site is within the Leith Links part of Leith Conservation Area. Leith Links Park is located nearby to the west of the site.

The structure, which is in a ruinous condition, has been on the Buildings at Risk Register since 2012.

Description of the Proposal

The proposal is for:

- (1) Alterations, including: (i) dismantling of the facade fronting Johns Lane and a portion of the rear central gable fronting the rear courtyard; (ii) rebuilding of the central gable element and the end sections of the St Johns Lane facade and the rebuilding of the apex of the central gable element of the rear courtyard elevation, all using the salvaged original stonework to match the architectural design, fenestration pattern and elevations approved under planning permissions 19/05184/FUL and listed building consent 19/01855/LBC); (iii) The erection of sections of replacement external walls on the St John's Lane facade, which sections are set back from the existing original building line. These new walls will be of insulated cavity wall construction and clad externally with bronze coloured metal cladding. These new walls will rise above the original wallhead in the form of elongated box dormers within the reinstated pitched and slated roof. Above the box dormers will be rooflights incorporated into the roof slope; (iv) The installation cement cladding boards within the existing openings on the courtyard elevation; and. (v) the erection of an access ramp and a boundary wall and railings.
- (2) Change of use of building from a warehouse to student accommodation comprising 6 cluster flats and 2 studio flats, providing a total of 38 student bedrooms.

The ground floor of the restored building contains recycling and cycle stores both accessed via external doors.

Since the application was validated, the proposal has been altered as follows:

- The front (John's Lane) fenestration has been altered.
- The box dormers on the John's Lane elevation have been reduced in size and the external cladding colour has been changed from a bronze colour to grey.

Supporting documents

- Design and Access, planning and conservation statement
- Daylight Study
- Flood Risk Assessment
- Photographs of existing building

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

Relevant Site History

22/04965/LBC
18, 19, 20, 21, 22, 23 & 24 John's Lane
Edinburgh
EH6 7EU

Dismantle the facade fronting Johns Lane and a portion of the rear central gable fronting the rear courtyard and rebuild this using the salvaged original stonework to match the architectural design, fenestration pattern and elevations approved under consents 19/05184/FUL and 19/01855/LBC). The replacement wall will be an insulated cavity wall.

Granted

23 February 2023

22/04967/CON

18, 19, 20, 21, 22, 23 & 24 John's Lane

Edinburgh

EH6 7EU

Substantial demolition in a conservation area.

Granted

28 February 2023

23/06796/LBC

18-24 John's Lane

Edinburgh

EH6 7EU

Proposed alterations and change of use of existing derelict warehouse to form student housing development.

23/06797/CON

18-24 John's Lane

Edinburgh

EH6 7EU

Substantial demolition in a conservation area.

Permission is not required.

7 March 2024

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology Services

Environmental Protection

Transportation

Leith Link Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 January 2024

Site Notices Date(s): 28 December 2023

Number of Contributors: 13

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

- a) **The proposals harm the listed building 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 Guidance on Conservation Areas
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states "proposals that keep buildings in use, or bring them back into use, should be supported as long as they do least possible harm". In addition, the guidance accepts that alterations, even if they are extensive, will be better than losing the building entirely.

The property has been derelict for several decades, is now ruinous, and is on the Buildings at Risk Register. Several past approvals (see History) have failed to materialise, and the building condition is critical. The degree of intervention granted in previous consents reflects the alterations required to bring the building back into use. This includes the taking down and rebuilding using the stone down takings of the John's Lane elevation of the building, replicating the positions and forms of the existing openings; and the erection of a number of large box wall head dormers on both the front (John's Lane) and rear elevations of the building.

HES Managing Change guidance on roofs states that the addition of new features such as dormers or rooflights to principal or prominent roof slopes should generally be avoided. Notwithstanding, in the previous application it was decided that the addition of dormers is necessitated by the scale of work required to the building as a whole. As the building was not originally designed with dormers, the use of a number of separate lead-clad dormers was seen as a more honest intervention than cladding the dormers in slate. The form would be a clear-cut modern alteration. Whilst the existing roof character is lost, this loss is outweighed by the overall improvement to the building and the new use, which would secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable.

In granting the previous applications the planning authority accepted that the John's Lane elevation is structurally unsound and the taking down and rebuilding is necessary in order for the building to be brought back into use. The current proposal for the rebuilding in faced stonework of the gable element and end sections of John's Lane elevation and the apex of the gable element of the courtyard elevation, is acceptable.

The previously consented scheme included the reconstruction of the John's Lane elevation like-for-like in natural stonework. The current proposal is to erect a replacement facade either side of the reconstructed gable element but recessed back from the existing facade position and using modern construction and materials. This intervention does not seek to replicate the existing, but instead, is assertively different to the existing. The finishing colour of the new external walls up to wallhead height, contrasts with the finishing colour of the wallhead dormers above, thus ensuring that the original wallhead height of the building is still visually discernible. The recessing of the front facade facilitates the formation of a ramp access into the building and the erection of a low boundary wall. The proposals, although significant interventions, will secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

The building has no windows at present and historically appears to have had timber shutters rather than glazed openings. There is therefore no objection to the style of window proposed. A condition is added to clarify that windows should be of timber construction.

The proposed infilling of openings on the courtyard elevation of the building is acceptable in principle. However, their infilling with cement boarded panels could result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material. Therefore, if planning permission is granted, in the interest of safeguarding the fabric of the listed building it should be made a condition of a grant of planning permission that the openings be infilled with a different and vapour permeable material(s) that permits a degree of moisture movement, that is technically compatible with the stonework of the building.

The interior of the building is of no architectural or historic merit and its subdivision has no adverse impact upon character.

Overall, the proposed alterations to the building, although radical, are justified because they will bring about the beneficial reuse of the building, which is in a very poor condition.

Conclusion in relation to the listed building

Subject to the recommended conditions, the proposals do not conflict with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

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

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."

Leith Conservation Area Character Appraisal recognises that Leith now has a mix of old and new buildings, including many warehouse conversions. Warehouse buildings are an important part of the area's character.

The derelict building has the potential to make a positive contribution to the conservation area if brought back to a new use. Continued dereliction risks total loss as the building continues to deteriorate.

The proposed scheme will retain some of the essential stone elements and the industrial background to the building will remain visible. The location is both visually isolated and on a cul-de-sac. For this reason, the impact of the proposals on the appearance of the conservation area is contained. The proposals will preserve the character and appearance of Leith Conservation Area.

Conclusion in relation to the conservation area

The proposals do not conflict with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) The proposals comply with the development plan.

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

- NPF 4 Sustainable Places policies 1, 2, 3, 7, 9, 13
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Caring for the Environment Policies Env 9, Env 12 and Env 16
- LDP Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1, Hou 8 and Hou 10.
- LDP Transport Policies Tra 2, Tra 3 and Tra 4.

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

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

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

Principle of land use

The site must be assessed against all relevant policies within the LDP including policies Hou 1 (Housing Development) and Hou 8 (Student Accommodation). The site's former use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered.

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

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

Location

The site is not adjacent to a university or college campus. The closest university campus is at Holyrood, located some 1.9 miles to the south west, which is approximately 40 minutes walking distance, which is not a reasonable walking distance. It is located within an acceptable walking distance of several bus stops with some direct services to institutions. City centre university campuses can be reached by bus in 20 minutes via frequent services. The nearest tram stop is a 4-minute walk from the proposal site. City centre campuses are approximately a 37-minute journey including walking time. Cycle times appear reasonable to a number of the campuses however do not factor in gradient of the cycle or stopping for crossings. The Tram extension to Newhaven has a stop in close proximity to the site on Constitution Street.

Scottish Government Transport Assessment Guidance, June 2012 states that journey times of up to 20-30 mins are appropriate for walking and 30-40 mins for cycling and a 30 minute door to door travel time (including the walk, wait, journey time, and walk to the destination) is an appropriate choice of time-band by public transport for most types of development.

The site is not within a reasonable walking distance of any of the further/higher education institution. However, given that the city centre university campuses can be reached by bus in 20 minutes via frequent services, and given that cycle times to a number of campuses are reasonable, the walking journey time is not a significant infringement to LDP Policy Hou 8 Part a).

Concentration of student population

When considering the second criteria of policy Hou 8, the LDP does not define an excessive concentration of student accommodation. Therefore, it is necessary to refer to non-statutory supplementary guidance for student housing, published in 2016, which provides more detailed guidelines for student accommodation developments.

Within the supporting text of the guidance reference is made to a 50% figure as the level at which a student population in the locality would be considered excessive. In assessing the degree of concentration of student accommodation in an area, the supporting text of Policy Hou 8 requires the Council to consider the nature of the locality in terms of mix of land use and housing types, and the existing and proposed number of students in the locality.

In respect of LDP Policy Hou 8, no definition of what is an 'excessive concentration of student accommodation' is included. There is no indication of what extent might be considered the 'locality' for a given development.

Recent decisions made by the Council with regards to purpose-built student accommodation applications have utilised two main statistical methods for determining the concentration of students within a defined locality.

The first is the 'worst case scenario' method which is an agreed method by the DPEA Reporter in the decision on an appeal for PBSA at 7-10 Lower Gilmore Place (reference PPA-230-2323). This method involves identifying a locality and using the relevant data zones based on 2011 Census data for each of the data zones within the defined locality, as a baseline figure. These figures are then expanded upon by including the number of student beds approved within the defined study area, by identifying all approved and pending consideration student accommodation applications post 2011. The 'worst case' nature of this approach is demonstrated by the exclusion of any residential developments that had either been approved or were pending consideration post 2011, thereby increasing the resident population by students only (which is clearly unrealistic).

The data zones from the 2011 census area provide a reasonable basis for determining the concentration of students, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. As such it is normal procedure to use the data zones that fall within an 800m radius, an approximate 10-minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

When considering this area, the 2011 census shows an overall population of 16,758 and a student population of 1,179, or 7%. Post-2011 however, population estimates become less certain, and so only a maximum concentration of students can reasonably be arrived at. 2021 population estimates show a population of 18,274. The addition of the proposed 38 student bed development, along with other purpose-built student accommodation consented since 2011 would increase the percentage of students to 10%. This is not considered to be excessive. Consequently, the proposed development will not lead to an imbalance of the local community or negatively impact on the character of the local area.

There is a need for all types of homes in Edinburgh, including student accommodation. The proposed use is sustainable in terms of access to local shops, services, and facilities, thus helping to contribute to their viability, and will reduce car dependency.

Overall, the proposed student accommodation would not result in a concentration of student housing which is of detriment to character of the area. The proposal accords with LDP Policy Hou 8-part b).

Student Housing Guidance

The Council's non-statutory student housing guidance (SHG) recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that out with criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The site extends to 0.11 hectares and thus falls below criteria b) of the SHG. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold.

Criterion (d) of the Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. The proposal is for 2 studio rooms and 36 beds spaces within 6 cluster flats. All flats will have barrier free access, and some will be designed to be adaptable for wheelchair users. The proposal therefore provides a mix which would meet with this guidance.

Employment land

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

In this instance, the existing building is a relatively small-scale former warehouse. The warehouse use has long been abandoned. The proposal would introduce a residential development in an area which is mixed use. The proposal would not inhibit surrounding commercial uses. There is no requirement to provide business floorspace due to the small site size. The proposal does not conflict with NPF 4 Policy 26 and LDP policy Emp 9.

The principle of use of the site for student accommodation is acceptable in land use terms with reference to NPF 4 policy 9, as well as LDP objectives set out in policy Emp 9 and the Council's Student Housing Guidance.

Climate mitigation and adaption

NPF 4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF 4 Policy 2 a) (climate mitigation and adaption) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

NPF 4 Policy 9 (Brownfield, vacant and derelict land, and empty buildings) intends to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings, and to help reduce the need for greenfield development. Part d) supports development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses and emphasises the need to conserve embodied energy, with demolition regarded as the least preferred option.

The building is of traditional construction, and this is likely to preclude a conversion that achieves optimum air tightness. It would not be reasonable to expect a conversion of a traditional building to achieve the same energy performance standard as a well-insulated highly sustainable building of modern construction. Notwithstanding, energy efficiency measures including, but not limited to, energy efficient lighting systems, electric water heaters, air source heat pumps (ASHPs) and solar/photovoltaic energy sources, could be implemented/installed without harm to the character and appearance of the building.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area. It is in close proximity local retail and other services, as well as public transport links. The proposal would bring this site back in to use.

The proposal is acceptable in land use terms with reference to NPF 4 policies 9, 14 and 16 as well as LDP objectives set out in policies Hou 1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

Drainage

NPF 4 Policy Env 22 (Flood risk and water management) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The submitted Flood Risk Assessment (FRA) states that the site is not considered at risk of flooding from any known watercourse. However, based on other developments in Leith, SEPA are recommending floor levels in this area to be set above 6.0m AOD, to mitigate against any risk from the Water of Leith. The floor level of the building is set above 6.0, AOD.

Surface water modelling indicates that it is possible for run-off to enter the site during both 200-year and 200-year plus 35% uplift for climate change scenarios. Based on existing ground levels, run-off from Queen Charlotte Street, located nearby to the north, flows south into the site along John's Lane. Water levels along John's Lane rise until the overspill threshold on Queen Charlotte Street is reached at approximately 5.58m AOD and water resumes flowing east down Queen Charlotte Street. The FRA recommends that the site is designed so that there is an emergency flow pathway through the site in the event of blockage of the site drainage system, or rainfall events in excess of design conditions. The flow pathways (e.g. road network) should route surface water through the site without flooding properties or increasing flood risk to neighbouring properties. The FRA concludes that the risk of flooding can be reduced, but not eliminated, given the potential for events exceeding design conditions and the inherent uncertainty associated with estimating hydrological parameters for any given site.

The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewers.

Biodiversity

NPF 4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

LDP policy Env 16 (Species Protection) presumes against development which would have an adverse impact on species protected under European or UK law.

Given the condition of the building it has little or no bat roost potential.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with an integral ground floor refuse store providing bins for future residents for mixed recycling. It is proposed that waste collection would be privately managed. Therefore, there is no requirement for the Council's Waste Services Section to agree with the applicant a Waste Strategy for the proposed development. The proposal does not conflict with LDP Policy Des 5e) (Development Design - Amenity) and NPF 4 policy 12 (zero waste).

Transport

NPF 4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel and meet a series of criteria (where appropriate).

LDP Policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance.

In addition, Policy Tra 4 (Design of Off-Street Car and Cycle Parking) expects the layout and design of parking to comply with Council guidance.

Of relevance to the proposed development are its accessibility by public transport, supporting the use of existing services, supplying safe, secure, and convenient cycle parking.

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. No vehicular parking is proposed. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys. The site is located close to a range of sustainable transport options. Walking and cycling connections are provided adjacent to the site with multiple bus stops and a tram stop within a short walking distance of the site. In these particular circumstances zero car parking is acceptable.

The cycle parking provision proposed meets the required 1:1 ratio with 38 spaces provided within a mix of dedicated cycle stores and stands which are situated under cover and accessed via a secure gate at the rear of the site, at ground floor level. The cycle storage is a two-tier system. Given the constrained and historic nature of the building, this is considered acceptable and is a minor infringement to the Edinburgh Street Design Guidance on cycle parking. The applicant states that there will also be the possibility of housing oversized cycles within the secure store. However, this has not been demonstrated in the application. If planning permission were to be granted, a condition should be imposed requiring a mixture of cycle parking, including parking for non-standard cycles.

In the interests of improved security for cycles, the Council's Transportation Authority advise that the access to the cycle store be from within the building rather than directly onto the street as is proposed. It is not a Council planning policy that cycle stores be accessed directly off a street. Therefore, it would not be reasonable for the planning authority to insist that the proposal be amended as suggested by the Transportation Section.

Given the proximity of the site to public transport corridors, car club spaces is not required to make the development acceptable.

The Council's Transportation Authority advises that the applicant should discuss the proposed development with the fire service in relation to the requirements for fire access, in particular the available width of John's Lane and the absence of a turning area. This is independent of planning.

The proposal accords with LDP policies Tra 2 Private Car Parking and subject to the aforementioned condition it accords with Tra 3 Private Cycle Parking. The transport aspects of the proposal comply with the aims of NPF 4 policy 13, which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

Design and liveable places.

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Design, Quality and Place

In sections a) and b) above, the proposals have been assessed against the impact that they will have on the listed building and its surroundings. It is considered that the proposals, although introducing significant changes to the building, are justified because they will bring about the beneficial reuse of the building, which is in a poor condition. Thereby, in the particular circumstances the proposals do not conflict with LDP policies Des 1, Des 4 and Des 12.

NPF 4 Policy 14b) supports development proposals that are consistent with the six qualities of successful places. The proposed development is in accordance with the principles of being a healthy and connected place and is sustainability and adaptability insofar as it allows for the long-term use of an existing building. Additionally, the proposals are consistent with the principle of being pleasant and distinctive. Therefore, the proposals are in compliance with NPF 4 policies 14a, 14b and 14c.

Liveable Places

The proposals demonstrate a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in Leith to allow sustainable living, the proposal facilitates active travel and is very well-located for public transport to other parts of the city without the need to use a car. With reference to safety, the proposal would be managed by the applicant and entrances to and from the site would be overlooked from the public footway and road. It has not been demonstrated in the application that the building could be adaptable in future to accommodate a different use if necessary. With reference to distinctive design, this matter was considered in section a) above.

Amenity of the Proposed Units

In the proposal, other than shared kitchens and living areas of the 6 cluster flats there is no other internal shared amenity spaces. The constrained nature of the site means that there is no land associated with the building and therefore no provision of external amenity space. However, given the relatively small number of student bed spaces proposed, and the fact that the majority of the accommodation is cluster flats, the absence of communal external amenity spaces in the proposal is acceptable. Given the constrained back land nature of the site and the close juxtaposition of the site to Leith Links Park, the previously approved application for conversion to mainstream housing was accepted without any external private or communal amenity space.

Noise

Environmental Protection (EP) has requested further information in relation to noise originating from the development i.e. existing and proposed plant. The application does not include any details of proposed plant. The applicant's agent confirms that each unit will be separately metered and thus there will be no audible external plant noise. If planning permission was granted any plant or equipment subsequently installed on the building would require planning permission.

EP recommends that the site operator installs a robust noise management policy as noise could reverberate around the lane causing impacts upon nearby noise sensitive properties. However, it would not be reasonable for the planning authority to impose such a condition, which would not be enforceable.

There is an automotive repairs and conversions business operating in one of the buildings on the east side of John's Lane. That business does not operate in the evening and therefore is not considered that its operation would give rise to undue noise and disturbance to the future occupants of the proposed student accommodation.

Daylighting and Overshadowing:

A Daylight and Sunlight Assessment accompanies the application. It utilises the Vertical Sky Component (VSC) method to identify whether the building as converted rises above a 25° line drawn in section from the horizontal at the mid-point of existing neighbouring windows. The assessment shows that at its southern end the building does not comply with the 25-degree method. Consequently, there is likely to be an impact on ground floor west facing windows of neighbouring lane buildings on the east side of John's Lane. However, these neighbouring buildings are not in use as residences and therefore are not sensitive to loss of daylight.

In terms of privacy, there are no windows or other glazed openings within the rear (courtyard) elevation of the building and thus no overlooking of the rear elevation windows or rear private gardens of back land properties nearby to the west in Constitution Street. Windows in the John's Lane elevation of the building face west onto windows of lane buildings on the east side of John's Lane. However, given the tight urban form and the fact that these neighbouring buildings are not in residential use, there would be harmful mutual overlooking. The level of privacy that is achievable in this tight urban form is considered acceptable in planning terms.

Air Quality

The site is not located within an Air Quality Management Area (AQMA) or a Low Emissions Zone (LEZ). The proposal includes no car parking spaces and 100% cycle parking provision. The area is well served by public transport options. PV panels and air source heat pumps are proposed. Therefore, the development is likely to have minimal air quality impacts associated with the operational phase of the development.

Archaeology

The City Archaeologist recommends controls to mitigate impact on archaeology. These controls can be secured by a condition on a grant of the conterminous application of planning permission.

Developer Contributions

Tram

The application site falls within the Tram Contribution Zone as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The applicant will be required to contribute the sum of £23,790 (based on 1,121m² student accommodation in Zone 1) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

If planning permission were to be granted, a Section 69 or a Section 75 legal agreement is recommended as the suitable method of securing a Tram contribution and ensuring the scheme complies with LDP policy Del 1.

Healthcare

The site is within the Leith Waterfront developer contribution zone as identified in the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The Edinburgh LDP action programme identifies the need for a new medical practice to mitigate the impact of new residential development in Leith Waterfront. Policy Hou 10 Community Facilities of the LDP states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities. The intension of the policy is to ensure that new housing development goes hand in hand with the Supplementary Guidance. In the case of student contribution, the guidance requires a developer contribution of £150 per student bed space. This equates to £5,700 for the 38 student bed spaces proposed.

The applicant will be required to enter into a Section 69 or Section 75 legal agreement to secure the delivery of this contribution.

Conclusion in relation to the Development Plan

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

There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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 comments have been received in relation to human rights.

Public representations

Thirteen representations were received, which are all objections. A summary of the matters raised is provided below:

material considerations

- No need for student accommodation in the area.
- Emergency vehicle and refuse vehicle access.
- Would result in detrimental increase in density in the area.
- Exacerbate parking congestion.
- Operational noise.
- Rational for demolition of front façade is unsubstantiated.
- Alterations inappropriate to an harmful to the character and appearance of listed building.
- Too far from away universities or college campuses.

non-material considerations

- Obstruct access to neighbouring properties.
- Affordable mainstream family housing should be priority.
- More parks and trees required in the area.
- Building deliberately been allowed to deteriorate.
- Noise and disturbance during periods of construction.
- Unsafe construction methods.

The matters raised are addressed above and/or in the report on the conterminous applications.

Community Council

Leith Links CC requested to be statutory consultee. They were consulted on the application and objected to it. A summary of LLCC's concerns are as follows:

- Discrepancies between application description and application drawings.
- Inaccurate statements made in Design and Access Statement.
- There is extant permissions for conversion of the building to mainstream flats.
- Building is inaccessible by emergency vehicles.
- Insufficient/inadequate waste management.
- Overly dense development.
- Future occupants would not be afforded adequate residential amenity.
- Lack of amenities and facilities within the building.

- Located too far away from universities and colleges.
- Increased concentration of student population in locality.
- The accommodation could be utilised as temporary homeless accommodation in the future.

The matters raised are addressed above and/or in the report on the conterminous application.

Conclusion in relation to other matters considered.

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

Overall conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In this regard, 'preserving', in relation to a building, means preserving it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

The proposed alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposed use of the building is acceptable in land use terms. The site is not within a reasonable walking distance of any of the further/higher education institution. However, given that there is a reasonable, frequent bus services to city centre university campuses and given that cycle journey times to further/higher education institutions is reasonable, the walking journey time is not a significant infringement to LDP Policy Hou 8 Part a).

The proposals are compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and reuse of vacant and derelict buildings.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Tram and healthcare, the proposals are acceptable and comply with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no detrimental impacts on equalities or human rights. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No demolition or development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (historic building recording, demolition mitigation, preservation excavation, public engagement, analysis & reporting and publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority.
3. Prior to the commencement of any development 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 written approval of the planning authority.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials and colours shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. A full-size sample panel(s) of no less than 1.5m x 1.5m of all facade components should be erected at a location agreed with the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.
5. The doors and the frames and glazing bars of the windows installed in the building shall be of timber construction and painted a colour to be approved in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.

6. Notwithstanding that delineated on application drawings, the bottom racks of the two-tier cycle stands shall be designed to accommodate oversized cycles. A detailed drawing showing this shall be submitted for the prior written approval of the planning authority and the cycle stands installed shall accord with the details so approved.
7. Notwithstanding that specified on application drawings, the existing openings that are to be blocked up shall not be blocked up with cement board cladding, but instead, they shall be blocked up with a vapour permeable material(s) that permits a degree of moisture movement, in accordance with a detailed written specification, and, if considered necessary by the planning authority, a material sample, to be submitted for 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. Reason: to protect the archaeological interest within the site.
3. Reason: to ensure the safety of future residents.
4. Reason: to protect the character and appearance of the listed building and the conservation area.
5. Reason: to protect the character and appearance of the listed building and the conservation area.
6. To ensure the provision of a mix of types of cycle stands, in the interests of the active travel.
7. In the interests of safeguarding the listed building. Given that cement is impermeable it is probable that its use would result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to the Tram and healthcare has been concluded and signed. The legal agreement shall include the following:
 - a. Tram - £23,790 (based on 1,121m² student accommodation in Zone 1).
 - b. Healthcare - £5,700.

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. 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).
5. The applicant should discuss the proposed development with the fire service in relation to the requirements for fire access, in particular the available width of John's Lane and the absence of a turning area.
6. The applicant should consider the implications of the restricted width of John's Lane in relation to construction and other proposed works and the requirements for road occupation permits.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 November 2023

Drawing Numbers/Scheme

01, 01B, 01E, 02, 03, 04, 05, 06, 07

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Archaeology Services
COMMENT: No objection. A condition is recommended.
DATE: 19 December 2023

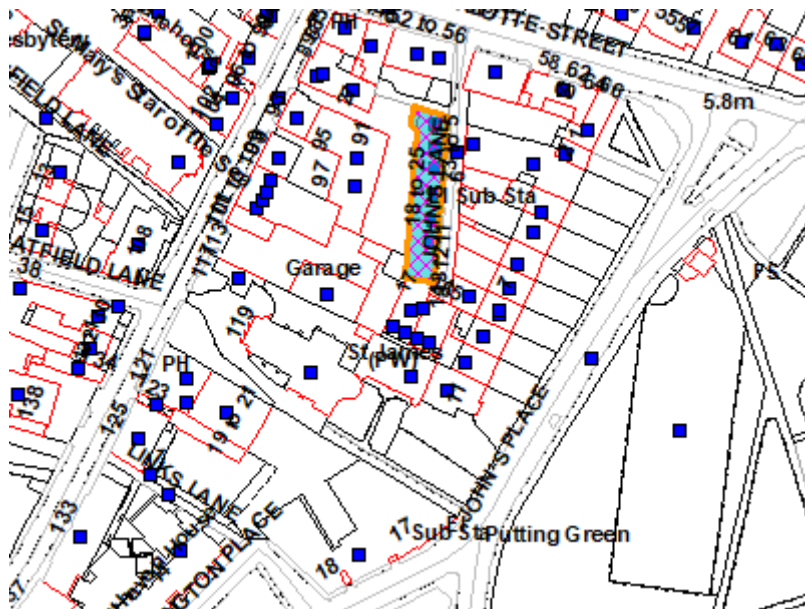
NAME: Environmental Protection
COMMENT: No objection. Advised that incomplete information submitted to assess the application. A condition is recommended.
DATE: 6 February 2024

NAME: Transportation
COMMENT: No objection. A developer contribution toward the Tram and informatives are recommended.
DATE: 8 February 2024

NAME: Leith Link Community Council
COMMENT: Objection.
DATE: 31 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

Wednesday 17 April 2024

**Application for Listed Building Consent
18-24 John's Lane, Edinburgh, EH6 7EU**

Proposal: Proposed alterations and change of use of existing derelict warehouse to form student housing development.

**Item – Committee Decision
Application Number – 23/06796/LBC
Ward – B13 - Leith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as Leith Links Community Council requested to be consulted on the application as a statutory consultee and they have objected to the application. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposed alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. There are no detrimental impacts on equalities or human rights. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The property is a derelict two storey and attic warehouse, dating from the Georgian era, located on a narrow back lane. The property has been derelict for almost four decades. Sections of the building are supported by scaffold and the roof has been removed for safety reasons. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. Many windows are bricked up, especially on the west side. The building was listed category C on 5 March 1991 (LB reference: 27530).

The property is a derelict two storey and attic former warehouse, dating from the Georgian era, located on a narrow back lane. The property has been derelict for some four decades. Sections of the building are supported by scaffold and the roof has been removed for safety reasons. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. Many windows are bricked up, especially on the west side. The building was listed category C on 5 March 1991 (LB reference: 27530).

The site lies between Constitution Street to the west and John's Place to the east. The lane access to the site is off Queen Charlotte Street to the north. There are a mix of uses within the area, including residential and commercial. The surrounding area comprises mainly traditional buildings, with some modern infill buildings. Building heights range from single-storey up to four-storey. The site is within the Leith Links part of Leith Conservation Area. Leith Links Park is located nearby to the west of the site.

The structure, which is in a ruinous condition, has been on the Buildings at Risk Register since 2012.

Description of the Proposal

- (1) Alterations, including: (i) dismantling of the facade fronting John's Lane and a portion of the rear central gable fronting the rear courtyard; (ii) rebuilding of the central gable element and the end sections of the Johns Lane facade and the rebuilding of the apex of the central gable element of the rear courtyard elevation, all using the salvaged original stonework to match the architectural design, fenestration pattern and elevations approved under planning permissions 19/05184/FUL and listed building consent 19/01855/LBC); (iii) The erection of sections of replacement external walls on the John's Lane facade, which sections are set back from the existing original building line. These new walls will be of insulated cavity wall construction and clad externally with bronze coloured metal cladding. These new walls will rise above the original wallhead in the form of elongated box dormers within the reinstated pitched and slated roof. Above the box dormers will be rooflights incorporated into the roof slope; (iv) The installation cement cladding boards within the existing openings on the courtyard elevation; and. (v) the erection of an access ramp and a boundary wall and railings.

Since the application was validated, the proposal has been altered as follows:

- The front (John's Lane) fenestration has been altered.
- The box dormers on the John's Lane elevation have been reduced in size and the external cladding colour has been changed from a bronze colour to grey.

Supporting Information

- Design and Access, planning and conservation statement
- Daylight Study- Flood Risk Assessment
- Photographs of existing building

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

Relevant Site History

No relevant site history.

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology Services

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): 8 December 2023

Site Notices Date(s): 5 December 2023

Number of Contributors: 44

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
 - a. harm a listed building or its setting? or
 - b. conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

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

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

- Managing Change in the Historic Environment Guidance on the Principles of Listed Building Consent
- Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings
- Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings states "proposals that keep buildings in use, or bring them back into use, should be supported as long as they do least possible harm". In addition, the guidance accepts that alterations, even if they are extensive, will be better than losing the building entirely.

The property has been derelict for several decades, is now ruinous, and is on the Buildings at Risk Register. Several past approvals (see History) have failed to materialise, and the building condition is critical. The degree of intervention granted in previous consents reflects the alterations required to bring the building back into use. This includes the taking down and rebuilding using the stone downtakings, of the John's Lane elevation of the building, replicating the positions and forms of the existing openings, and the erection of a number of large box wall head dormers on the front and rear elevations of the building.

HES Managing Change guidance on roofs states that the addition of new features such as dormers or rooflights to principal or prominent roof slopes should generally be avoided. Notwithstanding, in the previous application it was decided that the addition of dormers is necessitated by the scale of work required to the building as a whole. As the building was not originally designed with dormers, the use of lead-clad dormers was seen as a more honest intervention than cladding the dormers in slate. The form would be a clear-cut modern alteration. Whilst the existing roof character is lost, this loss is outweighed by the overall improvement to the building and the new use, which would secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

The property has been derelict for several decades, is now ruinous, and is on the Buildings at Risk Register. Several past approvals (see History) have failed to materialise, and the building condition is critical. The degree of intervention granted in previous consents reflects the alterations required to bring the building back into use. This includes the taking down and rebuilding using the stone downtakings of the John's Lane elevation of the building, replicating the positions and forms of the existing openings, and the erection of a number of large box wall head dormers on the front and rear elevations of the building.

HES Managing Change guidance on roofs states that the addition of new features such as dormers or rooflights to principal or prominent roof slopes should generally be avoided. Notwithstanding, in the previous application it was decided that the addition of dormers is necessitated by the scale of work required to the building as a whole. As the building was not originally designed with dormers, the use of a number of separate lead-clad dormers was seen as a more honest intervention than cladding the dormers in slate. The form would be a clear-cut modern alteration. Whilst the existing roof character is lost, this loss is outweighed by the overall improvement to the building and the new use, which would secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable.

In granting the previous applications the planning authority accepted that the John's Lane elevation is structurally unsound and it's taking down and rebuilding is necessary in order for the building to be brought back into use. The current proposal for the rebuilding in faced stonework of the gable element and end sections of the John's Lane elevation and the apex of the gable element of the courtyard elevation, is acceptable.

The previously consented scheme included the reconstruction of the John's Lane elevation like-for-like in natural stonework. The current proposal is to erect a replacement facade either side of the reconstructed gable element but recessed back from the existing facade position and using modern construction and materials. This intervention does not seek to replicate the existing, but instead, is assertively different to the existing. The finishing colour of the new external walls up to wallhead height, contrasts with the finishing colour of the wallhead dormers above, thus ensuring that the original wallhead height of the building is still visually discernible. The recessing of the front facade facilitates the formation of a ramp access to the entrance to the building and also the erection of a low boundary wall. The proposals, although significant interventions, will secure the long-term survival of the listed building. The very long period of vacancy means that a more radical solution is justifiable in this instance.

The proposed infilling of openings on the courtyard elevation of the building is acceptable in principle. However, their infilling with cement boarded panels could result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material. Therefore, if planning permission is granted, in the interest of safeguarding the fabric of the listed building it should be made a condition of a grant of planning permission that the openings be infilled with a different and vapour permeable material(s) that permits a degree of moisture movement, that is technically compatible with the stonework of the building.

The building has no windows at present and historically appears to have had timber shutters rather than glazed openings. There is therefore no objection to the style of window proposed. A condition is added to clarify that windows should be of timber.

The interior of the building is of no architectural or historic merit and its subdivision has no adverse impact upon character.

Overall, the proposed alterations to the building, although radical, are justified because they will bring about the beneficial reuse of the building, which is in a poor condition.

Conclusion in relation to the listed building

The proposals do not conflict with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

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

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."

Leith Conservation Area Character Appraisal recognises that Leith now has a mix of old and new buildings, including many warehouse conversions. Warehouse buildings are an important part of the area's character.

The derelict building has the potential to make a positive contribution to the conservation area if brought back to a new use. Continued dereliction risks total loss as the building continues to deteriorate.

The proposed scheme will retain some of the essential stone elements and the industrial background to the building will remain visible. The location is both visually isolated and on a cul-de-sac. For this reason, the impact of the proposals on the appearance of the conservation area is contained. The proposals would not harm the character and appearance of Leith Conservation Area.

Conclusion in relation to the conservation area

The proposals do not conflict with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Archaeology

The City Archaeologist recommends controls to mitigate impact on archaeology. These controls can be secured by a condition on a grant of the conterminous application of listed building consent.

There are any other material considerations which must be addressed?

The following matters have been identified for consideration:

Equalities and human rights

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

Consideration has been given to human rights. No comments have been received in relation to human rights.

Public representations

Forty-three representations have been received, including 40 objections, 2 support comments and 1 neutral comment. A summary of the matters raised is provided below:

material considerations

- Loss of historic fabric.
- Rational for demolition of front façade unsubstantiated.
- Alterations inappropriate to an harmful to the character and appearance of listed building.

non-material considerations

- Exacerbates existing parking congestion.
- Detrimental impact on neighbouring business operating within a property accessed off John's Lane.
- Inadequate space on John's Lane for presentation of bins.
- Inadequate emergency vehicles and service vehicle access and manoeuvring space.
- Accommodation will be used for to house people with addictions.
- Schools in the catchment area are at full capacity.
- Affordable housing should take priority.
- Not close to universities and colleges and thus active travel times are too long.
- Potentially better possible uses for the land, including social housing.
- Swift boxes should be included in scheme.
- Rental cost for students is unaffordable.
- New residences would not be afforded adequate residential amenity.
- Site forms part of larger masterplan site and remainder of masterplan site should be developed as soon as possible.
- Would exacerbate already overly densely populated area.
- Existing problems of anti-social behaviour.
- Over-provision of student accommodation in the City.
- Noise and dust.
- Incompatible with residential character of the area.
- Inadequate amenities and community facilities, healthcare facilities to support increased demand.
- Profiteering by the developer.
- Harm to balance of community.
- Use would detrimental social impact.
- Building has been deliberately neglected and allowed to deteriorate.
- Operational noise.
- Exists a lack of supply of housing across the city.
- Will reduce pressure on demand for mainstream residential housing stock by students.
- Proposed use is a good use of the site.

The matters raised are addressed above and/or in the report on the conterminous applications.

Community Council

Leith Links Community Council requested to be statutory consultee. They were consulted on the application and objected to it. A summary of LLCC's concerns are as follows:

- Discrepancies between application description and application drawings.
- Inaccurate statements made in Design and Access Statement.
- There is extant permissions for conversion of the building to mainstream flats.
- Building is inaccessible by emergency vehicles.
- Insufficient/inadequate waste management.
- Overly dense development.
- Future occupants would not be afforded adequate residential amenity.
- Lack of amenities and facilities within the building.
- Located too far away from universities and colleges.
- Increased concentration of student population in locality.
- The accommodation could be utilised as temporary homeless accommodation in the future.

The matters raised are addressed above and/or in the report on the conterminous application.

Conclusion in relation to other matters considered.

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

Overall conclusion

The proposed alterations to the building, although radical, are justified as they will secure the long-term future of the listed building and will preserve the character and appearance of the conservation area. On balance, the works are acceptable and are in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

There are no detrimental impacts on equalities or human rights.

There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

1. No demolition or development shall take place on the site until the developer has secured the implementation of a programme of archaeological work (historic building recording, demolition mitigation, preservation excavation, public engagement, analysis & reporting and publication) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials and colours shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. A full-size sample panel(s) of no less than 1.5m x 1.5m of all facade components should be erected at a location agreed with the Planning Authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.
3. The doors and the frames and glazing bars of the windows installed in the building shall be of timber construction and painted a colour to be approved in advance by the planning authority. There shall be no variation therefrom unless with the prior written approval of the planning authority.
4. Notwithstanding that specified on application drawings, the existing openings that are to be blocked up shall not be blocked up with cement board cladding, but instead, they shall be blocked up with a vapour permeable material(s) that permits a degree of moisture movement, in accordance with a detailed written specification, and, if considered necessary by the planning authority, a material sample, to be submitted for the prior written approval of the planning authority.

Reasons

1. Reason: to protect the archaeological interest within the site.
2. Reason: to protect the character and appearance of the listed building and the conservation area.
3. Reason: to protect the character and appearance of the listed building and the conservation area.
4. In the interests of safeguarding the listed building. Given that cement is impermeable it is probable that its use would result in problems of accelerated decay where the boards meet the masonry and water takes the path of least resistance through the permeable masonry over the impermeable material.

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.
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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 14 November 2023

Drawing Numbers/Scheme

01, 02A, 02B, 04, 05, 06, 07

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

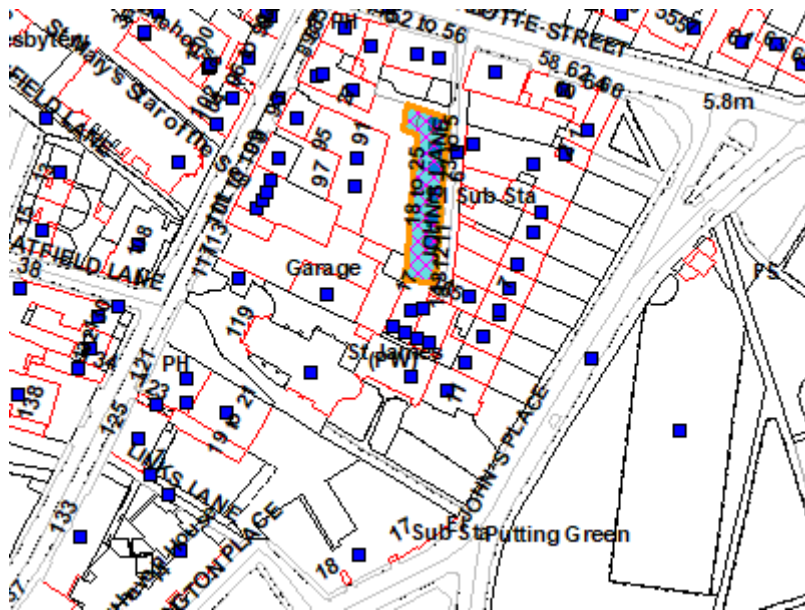
NAME: Archaeology Services

COMMENT: No objection. A condition is recommended.

DATE: 6 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 17 April 2024

**Application for Planning Permission
181 St John's Road, Edinburgh, EH12 7SL**

Proposal: Section 42 Application to Vary Conditions 04, 05, 06, 07, and 09 and to delete condition 08 of Planning Permission 18/02831/FUL. Mixed use development incorporating residential development (Class 9 and Sui Generis flats) together with commercial floorspace (including Class 1, 2 and 3) and hot food takeaway (Sui Generis), car parking and associated works (amended).

**Item – Committee Decision
Application Number – 23/07342/FUL
Ward – B06 - Corstorphine/Murrayfield**

Reasons for Referral to Committee

This application has been referred to the Development Management Sub-committee as the financial contributions for education to be secured via a legal agreement are in excess of £250,000.

Recommendation

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

Summary

This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions. The proposed changes to Conditions 06 (retail requirement), 07 (drainage), 08 (junction re-design) and 09 (junction re-design implementation) are acceptable. The proposed changes to Conditions 04 and 05 (archaeology) are not acceptable and therefore will remain as per original wording.

As the effect of granting permission for a Section 42 is to create a separate permission there is need to attach the remaining conditions from the previous approval.

The application is acceptable with regards to Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal is acceptable in terms of retail provision, transport and drainage, complying with National Planning Framework 4 and Edinburgh Local Development Plan. There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is 0.56 hectares and is located on the south side of St John's Road, east of the junction with Manse Road. The site is currently vacant brownfield land, with demolition granted under Conservation Area Consent (Ref: 18/02829/CON), which was initiated on 11 September 2023.

The site is located in the Corstorphine Town Centre as defined in the Edinburgh Local Development Plan. The surrounding area is mixed use with a commercial presence on St John's Road and a residential character on Manse Road. The site is bound by the Manse and its curtilage to the south. The Manse is a large detached dwelling set in a generous garden with mature trees. Manse Road is a one-way street where vehicles travel north onto St John's Road. There are two category C listed buildings located opposite the site, the Harp Hotel at 114-116 St John's Road (LB reference number: LB44757) and St Ninian's Church (LB reference number: LB44758).

Description Of The Proposal

The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 and seeks to vary the wording of conditions 4, 5, 6, 7 and 9, and delete condition 8 of planning permission 18/02831/FUL - as set out below:

Condition 4

Existing wording:

No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Proposed wording:

No above ground construction works shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Condition 5

Existing wording:

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.

- c) 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.

Proposed wording:

Prior to the commencement of above ground 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.
- c) 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.

Condition 6

Existing wording:

A minimum of one of the four shop units as shown on drawing 5D should remain in Class 1 use, unless agreed otherwise in writing by the Planning Authority.

Proposed wording:

A minimum of one of the four shop units as shown on drawing 5D should remain in Class 1A use, unless agreed otherwise in writing by the Planning Authority.

Condition 7

Existing wording:

No development shall take place on the site until the applicant has submitted full details of the proposed drainage measures, including the Sustainable Urban Drainage Systems, to the Planning Authority for approval in writing.

Proposed wording:

No above ground construction works shall take place on the site until the applicant has submitted full details of the proposed drainage measures, including the Sustainable Urban Drainage Systems, to the Planning Authority for approval in writing.

Condition 8

Existing wording:

No development shall take place on the site until the applicant has submitted for approval of the Planning Authority, the re-design of the junction at Manse Road and St John's Road as defined in the Council's drawing titled 'Manse Rd and St John's Road - Active travel improvement plan'.

Proposed to be deleted.

Condition 9

Existing wording:

The applicant shall implement the agreed re-design of the junction at Manse Road and St John's Road prior to occupation.

Proposed wording:

The applicant shall implement the agreed re-design of the junction at Manse Road and St John's Road as shown in drawing 'A8 / Manse Road Active Travel Improvements' dated 15th January 2019 prepared by City of Edinburgh Council prior to occupation unless otherwise agreed in writing with the Council.

Relevant Site History

22/04607/OBL

181 St John's Road

Edinburgh

EH12 7SL

Application for the Modification of Planning Agreement (Section 75) associated with planning permission 18/02831/FUL. Remove clauses to provide on site affordable housing and replace these with clauses seeking to make an off-site financial contribution as the construction costs of delivering the existing consent are non-viable for affordable housing developers.

Refused

20 December 2023

18/02831/VARY

181 St John's Road

Edinburgh

EH12 7SL

Non-Material Variation application for 18/02831/FUL.

VARIED

8 June 2022

18/02831/FUL

181 St John's Road

Edinburgh

EH12 7SL

Mixed use development incorporating residential development (Class 9 and sui generis flats) together with commercial floorspace (including Class 1, 2 and 3) and hot food takeaway (sui generis), car parking and associated works. (Amended).

Granted

11 March 2020

18/02829/CON

181 St John's Road

Edinburgh

EH12 7SL

Complete Demolition in a Conservation Area.

Granted

9 May 2019

Other Relevant Site History

Pre-application discussions are on-going for further development on this site and a PAN has been approved for a Care Home (Ref: 24/00149/PAN).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Planning

Archaeology

Waste Services

SEPA

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 January 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 12 January 2024

Site Notices Date(s): 9 January 2024

Number of Contributors: 1

Section B - Assessment

Determining Issues

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

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

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

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

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

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

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

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

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

Do the proposals comply with the development plan?

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

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

Assessment

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

a) The proposals harm the listed building or its setting?

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

- Managing Change: Setting

The architectural quality and more appropriate town centre scale of the proposed development will improve both the appearance of St John's Road and the definition of the junction with Manse Road at this location. In this respect, it is considered that the

proposed development will improve the setting of both listed buildings, possibly more so St Ninian's Church where the more defined junction will better frame the off-axial view.

The proposed development will not be detrimental to the setting of the Category C Listed Harp Hotel and St Ninian's Church.

Conclusion in relation to the listed building

The proposal is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the setting of the listed building.

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

The Corstorphine Conservation Area Character Appraisal refers to the application site as being developed in the 1960s, establishing St John's Road as an important local shopping centre. The uniformity of materials, sandstone buildings with slate roofs, are crucial in establishing the conservation area's architectural character.

The proposed development is of appropriate architectural quality and relates in mass, scale, outline, materials and character to the existing village fabric, as well as the high street of St Johns Road. Furthermore, the proposed commercial and residential uses will maintain the balance of uses which contribute to the character of the conservation area.

Conclusion in relation to the conservation area

The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in that it would preserve the character and appearance of the conservation area.

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:

- NPF 4 Policy 7o) and 22c)
- LDP policies Env 21, Ret 3, Ret 9 and Del 1.

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

Archaeology

NPF4 Policy 7o) aims to protect and preserve archaeological remains in situ wherever possible, with developers providing an evaluation of the archaeological resource at an early stage.

Condition 4 and 5 require the undertaking of a programme of archaeological works and a site survey during all groundbreaking works. The Councils Archaeology Service has confirmed that a WSI has been agreed with AOC Archaeology in March 2023. However, as further works are still required both of these planning conditions remain live and should not be varied as it would not cater for all related ground works such as services and landscaping which could have an archaeological impact.

Furthermore, it is noted that given the potential time lapse since the agreement of the earlier WSI it is recommended that if the works are delayed beyond March 2024 that an updated WSI may be required. Similarly, if a new archaeological company should be contracted to undertake the work then this would be regarded as a material alteration requiring the agreement of a new WSI.

The proposal does not comply with NPF Policy 7o) and therefore, the wording of condition 4 and 5 are not permitted to be varied and will remain the same as per the original planning consent (Ref: 18/02831/FUL).

Use Class

LDP Policies Ret 3 (Town Centres) and Ret 9 (Alternative Use of Shop Units in Defined Centres) supports proposals for a good mix of retail development in town centres.

Corstorphine Town Centre Supplementary Guidance (2017) states that 181-195 St John's Road is located within a defined frontage where no more than one third of the total number of units in the frontage should be in non-shop use. The previous Report of Handling (Ref: 18/02831/FUL) states that 'In order to comply with this, a minimum of one shop unit should be in Class 1 use'.

Since the approval of the previous application, Use Class 1 (Shops) and Use Class 2 (financial, professional and other services) have been amalgamated into a single Use Class 1A (Shops, financial, professional and other services), under the Town and Country Planning (General Permitted Development and Use Classes) (Scotland) Miscellaneous Amendment Order 2023. These changes came into effect on 31 March 2023.

Therefore the rewording of Condition 6 to refer to Class 1A use is acceptable and complies with LDP Ret 3 and 9.

Flooding

LDP Policy Env 21 (Flood Prevention) states that planning permission will not be granted for development that would increase a flood risk or be at risk of flooding itself.

NPF 4 policy 22c) (Flood risk and water management) states that development proposals will not increase the risk of surface water flooding.

The proposed change to condition 7 seeks to change the wording which would result in the submission of full details of proposed drainage measures prior to above ground construction works commencing, opposed to prior to development.

The Council's Flooding Team have been consulted on this and have no concerns, therefore the wording of Condition 7 can be altered to the proposed wording.

Transport

A Public Life Street Assessment was carried out for Corstorphine Town Centre in June 2017 and highlighted problems with the narrow pavements and unsafe pedestrian movements at Manse Road. The results of this were included in the Corstorphine Town Centre Supplementary Guidance. The intensification of use on this site would exacerbate this problem and therefore the Roads Authority requested that the junction is re-designed to improve pedestrian movement, via Condition 8 and 9 of the original consent.

The redesign of the junction at Manse Road and St Johns Road has since been submitted and agreed with the Planning Authority and therefore the deletion of Condition 8 is acceptable. Condition 9, discussed below, will secure the implementation of these works.

Furthermore, the rewording of Condition 9 which seeks to refer to the agreed drawing 'A8/ Manse Road Active Travel Improvements' dated 15 January 2019 is acceptable. This refers to the approved Drawing 02.

Other considerations

Education Contributions

LDP Policy Del 1 ensures that suitable infrastructure is provided to facilitate new development.

The Section 75 legal agreement for the original application (Ref: 18/02831/FUL) secured an education contribution comprising of £158,008 for infrastructure and £21,972 for the land. This was assessed against the education infrastructure actions identified in the 2018 Supplementary Guidance (SG), which are no longer appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed because the costs in the SG have significantly increased.

On 19 April 2023 the Planning Committee approved the Edinburgh Local Development Plan: Action Programme 2023 which set out the latest pupil generation rates which are used to assess the cumulative impact of housing developments across the learning estate.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the 'per house' and 'per flat' rates for the appropriate Zone. Based on 29 flats (the two one-bedroom flats are excluded) and four houses, a contribution of £232,611 is required for the Primary infrastructure, £211,574 for the Secondary infrastructure and £21,972 for the Primary land.

This results in a total contribution towards education of £466,157. As a section 42 application creates a new planning permission, this will be secured through a suitable legal agreement and the infrastructure costs subject to indexation at the time of payment.

Affordable Housing

The requirements for the delivery of 25% Affordable Housing remain unaltered and a legal agreement to secure this provision will be required for the new grant of planning permission.

The proposed changes do not result in any further change to the proposal and does not engage assessment of any further NPF4 or LDP policies.

Conclusion in relation to the Development Plan

The proposal complies with the National Planning Framework 4 and Local Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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 objection was received which objected to the level of parking within the scheme, which does not form part of this proposal.

Conclusion in relation to identified material considerations

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

This is an application under Section 42 of the Town and Country Planning (Scotland) Act 1997 that seeks to vary conditions. The proposed changes to Conditions 06 (retail requirement), 07 (drainage), 08 (junction re-design) and 09 (junction re-design implementation) are acceptable. The proposed changes to Conditions 04 and 05 (archaeology) are not acceptable and therefore will remain as per original wording.

As the effect of granting permission for a Section 42 is to create a separate permission there is need to attach the remaining conditions from the previous approval.

The application is acceptable with regards to Section 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposal is acceptable in terms of retail provision, transport and drainage, complying with National Planning Framework 4 and Edinburgh Local Development Plan. There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of the construction of the superstructure or above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Planning Authority.
3. The approved site landscape scheme shall be implemented within six months of occupation of the development, or a revised timescale as agreed by the Planning Authority.
4. The implemented landscape scheme shall thereafter be maintained by the applicants and their successors for five years in accordance with the approved landscape maintenance strategy. This shall include the replacement of any trees which fail to survive for whatever reason to ensure its establishment in accordance with the approved landscape scheme.
5. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. 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.

c) 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. A minimum of one of the four shop units as shown on drawing 5D should remain in Class 1A use, unless agreed otherwise in writing by the Planning Authority.

8. The applicant shall implement the agreed re-design of the junction at Manse Road and St Johns Road as shown in drawing A8/ Manse Road Active Travel Improvements dated 15th January 2019 prepared by City of Edinburgh Council prior to occupation unless otherwise agreed in writing by the Council.

9. The following noise protection measures to the proposed residential units, as defined in the Robin Mackenzie Partnership 'Environmental Noise Assessment' report (Ref R-8102-RRM3-RGM), dated 3 May 2018, shall be carried out in full and completed prior to occupation of the residential units:

- Glazing units with a minimum insulation value of 8.8/20/12.8mm double glazing should be installed for the external residential doors and windows on the St John's Road and Manse Road facades.

10. Prior to occupation, the mechanical ventilation, inlets, outlets, and ducting, as show on drawing 35 shall be fully installed and implemented.

11. Prior to occupation, the extract flue and ventilation system serving the class 3 use and capable of 30 air changes per hour, as shown on drawing 36 shall be implemented.

Reasons

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

2. In order to ensure the adequacy of external building materials.

3. In order to ensure that the approved landscaping works are properly established on site.

4. In order to ensure that the approved landscaping works are properly established.

5. In order to safeguard the interests of archaeological heritage.

6. To ensure the site is suitable for redevelopment.
7. In order to ensure compliance with the Corstorphine Town Centre Supplementary Guidance.
8. To safeguard public safety.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. A new legal agreement is required and must be signed before planning permission is granted.

Revised Education contributions have been calculated as follows:

- Primary Infrastructure: £232,611;
- Secondary Infrastructure: £211,574; and
- Primary Land: £21,972.

Affordable Housing:

- 25% on-site provision.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
 3. 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.
 4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
 5. 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.
 6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, 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.

7. Any works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

8. 100% of the car parking spaces shall have individual 7KW, Type 2 electric vehicle charging points installed and operational prior to occupation.

9. The applicant must ensure that when the proposed junction improvements are completed at Manse Road and St John's Road, that the Split Cycle Offset Optimisation Technique (SCOOT) system is linked and operational.

10. Noise from new plant must not exceed NR25 within the nearest noise sensitive receptors, with windows slightly open for ventilation.

11. This application will be subject of a Section 75 obligation to capture all of the mitigation measures identified by the original determination (Ref: 18/02831/FUL) and including any new or revised provision as a result of the subsequent changes from NPF 4.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 21 December 2023

Drawing Numbers/Scheme

01-02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning
COMMENT: No objection.
DATE: 20 February 2024

NAME: Archaeology
COMMENT: No support for changing the wording of Condition 4 or 5 and these should remain as per on the original consent.
DATE: 16 January 2024

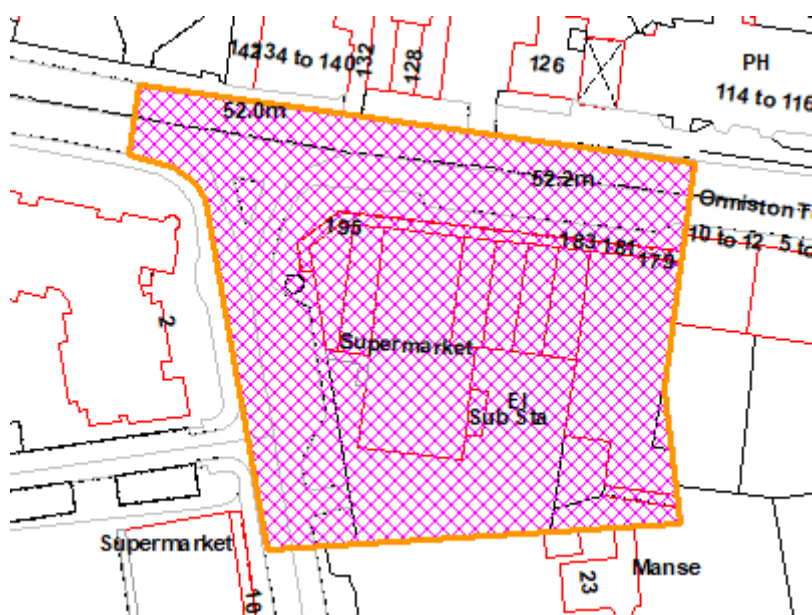
NAME: Waste Services
COMMENT: Further dialogue ongoing with agent.
DATE: 5 January 2024

NAME: SEPA
COMMENT: No objection.
DATE: 23 January 2024

NAME: Transport Planning
COMMENT: No objection. Agree to re-design of the junction as shown in Drawing 02.
DATE: 18 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

Wednesday 17 April 2024

**Application for Planning Permission
1A Lochend Butterfly Way, Edinburgh, EH7 5FF**

Proposal: Proposed residential development and associated landscaping works (As Amended).

**Item – Committee Decision
Application Number – 23/01418/FUL
Ward – B14 - Craigentiny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as the original scheme attracted 13 letters of objections and was submitted before the revised Statutory Scheme of Delegation came into effect on May 2023. Consequently, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal will contribute towards sustainable, liveable and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an irregular shape of land, measuring approximately 0.2 ha. It is located on the corner of Lochend Butterfly Way and Hawkhill Avenue. Part of the site is occupied by a two-storey temporary building which served as a property sales facility for the Lochend Butterfly development to the west of the site, an eight-storey residential development. The remainder of the application site is now currently vacant.

A stone wall runs along the northern and eastern boundary, parallel with Hawkhill Avenue to the north, with a footpath link that runs to Lochend Park. The site is characterised by a mix of soft and hard landscaping. There are twelve trees within the site. Car parking is located to the west of the site, accommodating up to ten cars. Vehicular access is from Lochend Butterfly Way.

The surrounding uses includes a traditional three storey flats to the east and north-east of the site. To the east of the site, there is a footpath designated as a cycleway footpath safeguard in the Edinburgh Local Development Plan. This is to provide active travel cycle link with new bridge. In addition, there is a cycle link, linking over Hawkhill Avenue to Leith Academy playing fields. The site immediately attaches to Lochend Park on its southern edge. To the north-west, across from the site is a plant hire company that is housed in a modern metal shed. Hibernian Football Stadium is located around 100m to the west which dominates the local streetscape.

The wider local area is characterised by recent new build developments that mostly comprise of flatted developments, ranging from six to eight storeys.

Description of the Proposal

The application is for a residential development and associated landscaping works. A total of 32 residential units are proposed, comprising 31 flats and one detached house.

The proposed flatted development (Block A) will range from three to six storeys in height. Elevation details includes full height windows and doors, with a mix of projecting and Juliette balconies. Brick will be the main treatment finish. The development design incorporates an angled contemporary flat roof where a green roof alongside PV panels is proposed.

The single house (Block B) will be two storeys with a recessed third storey, featuring a roof terrace. It will also have a brick finish. The flat recessed roof will have a glazed curtain walling to the front and sides, and it will be clad in metal. It will be a three-bedroom unit.

The proposed accommodation schedule within Block A includes seven one-bedroom (22.5%), seventeen two-bedrooms (54.8%), six three-bedrooms (19%) and one four-bedrooms 3%). Seven of the proposed units will have main door entrances.

The proposal includes provision for 25% affordable housing. The units are not shown as they will be tenure blind.

Within the site, the proposal is for a car free parking scheme. The plans show two accessible parking bays outside the application red boundary, but it is not confirmed how this would be delivered.

Shared cycle parking is to be provided internally within Block A with 65 spaces for 29 units. This includes 16 Sheffield stands (24%), 15 non-standard spaces (23%), and 34 two-tier racks (52%). Two one-bedroom units within Block A with main door will have private storage under external staircases with two Sheffield stands each. Block B detached house will have storage within rear curtilage with three Sheffield stands for three bikes. Overall, 72 cycle spaces within the scheme will be provided; 32% Sheffield stands, 21%, non-standard spaces and 47% two-tier racks.

Provision for 8 visitor cycle parking is also included.

A mix of soft and hard landscaping proposed. The open space strategy includes shared garden spaces to the east and west of the development. Some units with private ground floor access will have private gardens.

Alterations to the existing boundary wall to the east of the site is proposed.

The proposal seeks to remove six trees and to replace with twelve new trees. The characterisation of the new trees includes one weeping birch tree, five cherry trees and six pyramid oak trees.

Supporting Information

The following information was submitted in support of the application:

- Design statement.
- Sustainability form
- Flood risk assessment and drainage strategy.
- Daylight and sunlight analysis report
- Supplementary planning statement
- Affordable housing statement

These documents are available to view on Planning and Building Standards online portal.

Scheme one

The original scheme was amended. The number of units was reduced from 36 to 32. The floor area of the building was reduced by approximately 13%, resulting changes to the plan form and height of Block A. Originally, there was two houses proposed at the south end of the site which have now been replaced with a single house (Block B) with private garden. The original SUDs Pond has been removed in favour of achieving more useable open space.

Relevant Site History

15/03202/FUL
Site Office
Lochend Butterfly Way
Edinburgh

Change of use from existing developer's sales office (in use since 2007) to class 4 (business) use.

Granted
30 September 2015

17/00719/FUL
1A Lochend Butterfly Way
Edinburgh
EH7 5FF

The development of 24 flats. To consist of 18 private flats, and 6 affordable flats.

Granted
10 September 2018

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Flood Planning

Transport Planning

Archaeology

Waste Services

Children and Families

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 23 October 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 14 April 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 24

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:

- NPF 4 Sustainable Places policies 1, 2, 3, 6, 7, 9, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 22.
- NPF 4 Productive Places policy 25.
- LDP Design policies DES 1, 2, 3, 4, 5, 7.
- LDP Environment policies ENV 12, 21, 22.
- LDP Housing policies HOU 1, 2, 3, 4, 6.
- LDP Transport policies TRA 2, 3, 4; and
- LDP Delivering the strategy policy DEL 1.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

NPF 4 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 NPF 4 Policy 15 local living and 20-minute neighbourhoods.

Easter Road to the west of the application site is within approximately ten minutes walking distance to bus stops and a supermarket (Lidl). Lochend Road is under five minutes to bus stops from the application site. Lochend Loch and park is located 25 metres south from the application site. Hermitage Park Primary School and Leith Academy, located off Lochend Road are within approximately 15 minutes walking distance from the application site. It is considered that the location of the proposal is consistent with local living and 20-minutes neighbourhood principle which is also in line with NPF 4 Policy 25 where localised spending will enable community resilience and reduce inequalities. In addition, the proposal will result in the sustainable adaptation of a brownfield site for housing which is consistent with NPF 4 Policy 9.

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 below, the principle of housing on the site is supported as a policy compliant scheme can be delivered.

The proposals comply with NPF 4 Policies 9, 15, 16 and 25 and Policy HOU 1 of the LDP.

Development design

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

Lochend Butterfly Way to the west of the site has been significantly developed in the last twenty years with high density flats. This contrasts with the low rise four-in-block to the east of the site. The proposal is for a high-density development where it equates to 160 units/ha, and this broadly reflects the development pattern to the west of the site but on a reduced scale.

The proposed scale and massing of the development has been reduced significantly to better relate to the existing two storey flats to the east of the site on Hawkhill Avenue and Lochend Park. In addition, the proposed development height is subservient in scale to the existing eight-storey residential development to the west of Lochend Butterfly Way. Given the proposed break in the massing, the siting of the development is appropriate for this corner plot as it will achieve a defined frontage that is welcoming and active compared to the existing situation on Hawkhill Avenue and Lochend Butterfly Way.

The mix/break in the development height and massing and the contemporary roof design will help to achieve a sense of place. The development design will be articulated through the restricted palette of materials with brick being the predominant treatment finish and this is acceptable. Additional visualisations were provided, and it demonstrates no adverse impacts to the character of neighbouring developments. It will be necessary to condition all external treatment finishes. To address compliance with LDP Policy DES 4.

The proposed development sets out a logical landscape strategy where it seeks to retain existing features within the site, including the existing wrap round hedging to the north and west of the site and the stone wall to the east. In addition, six trees within the site would be retained with additional tree planting proposed, which will provide enhanced biodiversity measures to create attractive places. This approach is in line with LDP Policy DES 3.

In terms of community safety, the introduction of housing on this site would provide enhanced overlooking to the existing public footpath/lane to the east of the site which is a cycle footpath safeguard in the LDP (T7). In addition, the alterations proposed to the existing boundary walls with the formation of openings within this lane seeks to make this path feel more connected, safe, and useable. This approach is welcomed. In addition, the proposal includes an area of open space to the west of the site with garden furniture (benches) which will be visible from public views. This will provide the street frontage with natural surveillance alongside with an attractive soft landscape/garden setting. The proposal demonstrates a comprehensive and integrated approach to the layout of its buildings and footpath connections within the site. This is in line with LDP Policy DES 7.

Overall, the proposed development design is acceptable as it will comply with the six qualities of successful places.

The proposals comply with NPF 4 Policy 14 and Policies DES 1, 2, 3, 4 and 7 of the LDP.

Residential amenity

NPF 4 Policy 14 (d) states that development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

LDP Policy DES 5 requires future occupiers have acceptable levels of amenity within the development.

Floorspace

The proposed units meet the minimum floorspace standards as contained in the Edinburgh Design Guidance.

Mix

In terms of housing mix, the proposal exceeds 20% of the total number of units designed for growing families as eight units will consists of three and four bedrooms.

Compliance with LDP Policy HOU 2 is met.

Privacy

Future occupiers will have reasonable levels of privacy within the proposed development.

Daylight

The submitted Daylight report show that out of 134 windows proposed, 31 windows (23%) fail the vertical sky component (VSC). For the windows where the VSC is less than 27%, the daylight distribution/no skyline was tested. The findings show that all windows comply with the average daylight factor for rooms, and this is acceptable. Future occupiers will have acceptable levels of daylight within the development.

Private green space

LDP Policy HOU 3 sets out the criteria for private green space in housing development.

The proposal is for 32 units and five units will have private gardens. The requirement for communal provision is 10m² per flat (excluding units provided with private gardens). A communal provision of 270m² is therefore required. The open space strategy shows provision for 415m² open space. This exceeds the requirement for communal provision, and this is acceptable.

A sun path analysis was provided. It shows that the east facing communal provision will receive at least three hours of sunlight between 9am and 12pm during the Spring Equinox (21st March). In addition, the west facing communal provision will receive afternoon sun between 12pm and 1pm. Overall, the proposed communal garden provision will have at least four hours of sunlight during the Spring Equinox (21st March), and this is acceptable. In addition, more than 20% of the total site area will be useable open space. Some units will have balconies which will provide occupiers with additional amenity benefits within the proposed development.

Overall, the proposed development density is appropriate for this site and the character of its surroundings where future occupants will have attractive residential living amenity within the development.

The proposals comply with NPF 4 Policy 14 and Policies DES 5, HOU 3 and HOU 4 of the LDP.

Neighbouring amenity

Privacy

EDG advises that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The windows and balconies on the north elevation of the proposed development will be street-facing where it will face directly onto a public footpath that connects to a disused railway network (open space). There will be no loss of privacy from this side of the development.

The windows and balconies on the west elevation of the proposed development will also be street-facing where the privacy distance to the nearest windows will approximately be over 27 metres, and this is acceptable. The proposed development will be subservient in scale to the existing flats on Lochend Butterfly Way and the proposal will not result in adverse loss of privacy from this side of the development.

There are three side windows on the gable elevation of the existing three storey flats at 11 Hawkhill Avenue. These windows are not protected for privacy or daylight as they are positioned approximately 5 metres from their boundary.

The windows on the east elevation of the proposed development will not face directly onto opposing windows on nearby properties and therefore, will not result in adverse loss of internal privacy.

Due to the height and position of the proposed development (Block A), the windows on the east elevation will introduce a change to neighbouring privacy levels to the east of the site in terms of overlooking. The area affected relates to the shared/communal garden grounds, belonging to the four-in-a-block flats that front onto Hawkhill Avenue and Lochend Park. In terms of the existing situation, the existing seven storey flats on the west side of Lochend Butterfly Way currently overlooks onto this area of common garden grounds, despite its 45 metres separation distance. In addition, the existing two storey sales office on the site is positioned close to the eastern boundary where the east facing window on the first floor already overlooks onto the shared/communal garden ground. Further to this, there is an existing footpath that runs parallel to the site from Hawkhill Avenue and Lochend Park, separating the site to the east from the existing shared/communal garden grounds. This footpath provides overlooking into the existing shared/communal garden grounds where the boundary treatment consists of see through railings. Having regards to the existing situation, the proposed development will not have any more of an adverse impact on privacy/overlooking to this communal space than what currently exists.

It should be noted that 19 of the windows on the east elevation (Block A) relate to the lobby/entrance areas to the proposed flats where the degree of overlooking will not be so adverse. In addition, the remaining 14 windows on the east elevation relate to the residential units themselves where eight windows relate to habitable rooms (seven bedrooms/one small study). It is accepted that other than sleeping, future occupiers would not spend a large part of their time in their bedrooms. Therefore, the degree of overlooking is acceptable.

There are two side windows on the gable elevation of the existing three storey flats at 6 Lochend Park which are not protected for privacy or daylight. The rear gardens at 6 Lochend Park is partially screened with high shrub planting and is not overlooked from the footpath. The proposed Block B sits closer to this neighbouring property. Due to the existing situation as described above, the windows on the east elevation and small two roof terraces on Block B will not result in adverse overlooking.

Daylight

The daylight analysis shows that neighbouring flatted developments to the east and west of the site will not be adversely affected in terms of loss of daylight and this is acceptable.

Sunlight

A sun path analysis was provided to show pre and post residential development during the Spring Equinox (21st March). It showed a small change in the shading areas between 2pm and 3pm to the shared/communal gardens to the east of the site because of Block A and Block B. The sunlight study, however, demonstrates that this space will

still receive more than two hours of sunlight on the 21st of March (spring equinox), and this is acceptable. The proposal will not result in adverse overshadowing to existing amenity spaces, and this is acceptable.

The proposals comply with NPF 4 Policy 14 and Policy DES 5 of the LDP.

Parking

Car

NPF 4 Policy 13 (e) welcomes development proposals that are ambitious in terms of low/no car parking, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

LDP Policy TRA 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance. It sets out the considerations where lower provision will be pursued.

The proposed development is for a parking free scheme and given the nature of the proposal, a transport assessment is not required. Representations received have objected that this approach is not suitable for the area as existing on-street car parking cannot cope, particularly on match days as the site is near to a football stadium and that public transport measures are inadequate to cater for the development. It should be noted that planning cannot restrict car ownership or where individuals choose to park their cars.

The proposed development meets the ambitious aim of NPF 4 Policy 13 (e). Car parking in the area is currently uncontrolled. Lochend is in Phase 2 of the Strategic Parking Review and, subject to Committee decisions, a Controlled Parking Zone (CPZ) may be introduced after 2026. While planning cannot restrict car ownership or where individuals choose to park their cars, a car parking free scheme helps to create more sustainable, attractive place to live and helps to address congestion, air pollution and noise.

The proposed development is in a lower public transport accessibility zone, but it is near to good bus routes. Bus routes should ideally be within 400metres of a site. Previously, No.13 bus service had operated along Hawkhill Avenue. It is not known if this service would resume in the future.

The application site is within 500metres of Easter Road where the No.1 bus runs about 4 buses per hour (each direction) in the peak between Clermiston and Seafield via the city centre. The No.35 bus runs about 3 per hour in the peak between Heriot Watt and Ocean Terminal via Lauriston Place.

The site is also less than 200metres to Lochend Road. The No.21 bus runs about 3 per hour between Gyle Centre / Clovenstone and Royal Infirmary on an orbital route. The No.25 bus runs about 4 per hour between Heriot Watt and Restalrig via the city centre. There is also a non-Lothian service, the No.21 bus which runs about one per hour between Blackhall and Lochend via Hawkhill Road and the city centre.

The EDG does not provide accessible car parking standards for schemes that are parking free. The drawings show two accessible parking spaces outside the red boundary line of the application site. For this reason, this accessible provision cannot be controlled through this application. In addition, the acceptability/suitability of this provision in its location cannot be assessed as part of this application as it requires separate Roads Authority consent. As previously mentioned, Lochend is in Phase 2 of the Strategic Parking Review, and it would be inappropriate to enforce disabled car parking space out with the application site. In addition, planning does not allocate parking permits or Blue Badges. It should be noted that approximately 33 metres to the east of the application site on Hawkhill Avenue, there is a disabled parking bay.

While the absence of a dedicated accessible car parking space within the scope of the application has the potential to create a barrier to access by disabled people, it is considered that the site is accessible to nearby bus stops and on-street disabled car parking nearby. An informative is recommended to encourage the applicant to liaise with Disabled Person's Parking Places (DPPP) team to explore options to reserve a space on public road for Blue Badge users and to include information on disabled car parking in their welcoming pack for future occupiers.

The proposals comply with NPF Policy 13 and LDP Policy TRA 2.

Cycle

In terms of the standards contained in the EDG, there is a requirement for 72 cycle spaces to be provided for the 32 units. The Council's C7 Cycle Factsheet states that a maximum of 80% of all cycle parking spaces can be one type. At least 20% of cycle parking shall be suitable for use by non-standard bicycles.

Shared cycle parking is to be provided internally within Block A with 65 spaces for 29 units. This includes 16 Sheffield stands (24%), 15 non-standard spaces (23%), and 34 two-tier racks (52%).

Two one-bedroom units within Block A with main door will have private storage under external staircases with two Sheffield stands each.

Block B detached house will have storage within rear curtilage with three Sheffield stands for three bikes.

Overall, 72 cycle spaces for 32 units within the scheme will be provided; 32% Sheffield stands, 21%, non-standard spaces and 47% two-tier racks. The number and type of cycle parking complies with the standards contained in the EDG and the Council's C7 Cycle Factsheet.

The inclusion of eight cycle parking for visitors is acceptable.

The proposals comply with Policies TRA 3 and TRA 4 of the LDP.

Other matters

Flood impacts.

Flood Planning were consulted on the proposals and have advised no objections to the proposals.

The proposals comply with NPF 4 Policy 22 and Policy ENV 21 of the LDP.

Trees

NPF 4 Policy 6 states that development proposals that enhance and expand tree cover will be supported.

The EDG advises that a suitably qualified Arboriculturist should be used to survey and evaluate the existing tree and woodland resource within the site and 12m beyond. This includes all trees with a stem diameter of 75mm or more, at 1.5m above ground on the site or within 12m of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention.

A tree survey was not provided. The landscaping within the site relates to the use of the site as a temporary sales office and the trees within the site are of low amenity value. Within the site, there are twelve trees, and the proposal seeks to remove six trees. This includes four Pyramid Oak and two Cherry trees, to the south-west of the site. This is to facilitate three path connections within the site and the siting of the proposed development blocks. The removal of the trees would be mitigated with the planting of twelve additional trees, including one weeping birch, five cherry and six pyramid oak trees. The replacement tree planting would double what is being proposed for removal, bringing the total number of trees on the site to eighteen. The proposal will enhance and expand tree cover on the site, and this is acceptable.

While a tree survey was not provided, the proposed planting of new trees would more than mitigate for the removal of six trees on this site. Seven of the new trees would be planted alongside existing trees on northern and western boundary, providing a defined landscape edge to the site. The cherry trees will be planted along eastern boundary of the site will be within the private communal garden area. The proposal has set out a logical landscaping plan for the retention and planting of new trees and this is acceptable.

The proposals comply with NPF 4 Policy 6 and Policy ENV 12 of the LDP.

Archaeology

The City's Archaeologist was consulted on the proposal and concluded that there are no known archaeological implications for the application site.

The proposals comply with Policy 7(o) of NPF 4.

Protected species and biodiversity

Part of the established hedging that wraps the site to the north and along its western boundary will be retained, alongside with six existing trees. This is positive in terms of incorporating and enhancing existing features within the site in line with LDP Policy DES 3. Biodiversity gains would be met through the introduction of twelve new trees and the incorporation of green roofs which is also positive, and this is in line with NPF 4 Policy 3.

Due to the characteristic of the site, there is not a requirement to provide a Preliminary Ecological Appraisal (PEA). The proposed development will not have an adverse effect on species protected by legislation.

An informative is recommended to encourage the incorporation of swift nest bricks.

The proposals comply with NPF 4 Policy 3 and Policy DES 3 of the LDP.

Waste

The waste strategy has yet to be agreed with Waste Services. The bin stores are located on the ground floor with a minimum 10 metres pull distance from Lochend Butterfly Way. An informative is required to ensure that the applicant liaise with Waste Services to address their waste and recycling requirements. The absence of an agreed waste strategy does not preclude assessment of the proposal.

Air quality

Environmental Protection were consulted on the proposals and raised no concerns on air quality grounds. Environmental Protection welcomes the reduced/zero car parking provision on the site.

Contaminated land

A condition 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 Policy ENV 22 of the LDP.

Developer contributions

Transport

Transport Planning advise that the applicant should consider the provision of car club vehicles in the area and that contributions would be required. It should be noted that the number of car club vehicles were not specified, and a contribution figure was not provided. The proposal is for a car parking free scheme where it would be unreasonable to request a contribution. In addition, there is no guarantee that the location of club car vehicles would serve the application site in question. An online search of Enterprise Car Club shows that there is a car club vehicle parked at 16 Lochend Butterfly Way which is near to the application site.

To the east of the site, there is an active travel safeguard (T7). The Local Development Action Plan 2023 identifies this as a safeguard only with no contributions specified. In addition, it states that this safeguard is not in Active Travel Action Plan (ATAP).

No contributions towards active travel routes are required.

Healthcare

The site lies within Brunton Healthcare contribution zone where there is a requirement for a new practice. The breakdown of this calculation is set out in the Supplementary Guidance 'Developer Contributions and Infrastructure Delivery (2018): $20\% \times £4.5m = £0.9m$. $£0.9m/2,000 = £450$ per patient = $£945$ per dwelling. A total of 32 units (31 flats and 1 house) are proposed and this amounts to $£30,240$ ($32 \times £945$). A legal agreement will be required to secure this provision.

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 site will be at least 25% of the total number of homes.

The affordable housing will account for 8 homes, which is 25% affordable housing. The affordable homes are a mix of one (25%), two (50%) and three (25%) bedroom homes which is representative of the market housing. It is proposed that all affordable housing will be for social rent.

The applicant has engaged with one Registered Social Landlord (RSL), Harbour Homes (formerly known as Port of Leith Housing Association). The Affordable Housing Statement submitted by the applicant sets out that "Harbour Homes have a special interest in this site, having leased it since 2017 as a base for their maintenance divisions" and we can confirm there is currently a Harbour Homes office on the site. It was widely reported that Harbour Homes paused development of affordable homes in October 2023 due to challenging market conditions and this currently is still the case.

The applicant proposes the affordable homes to be located either as main door entry, which is acceptable, or within a stairwell shared with the market housing. The affordable homes are located on the ground and first floors and market housing is on all floors, from ground to fifth floor. Whilst this may be acceptable to Harbour Homes in principle, this shared stairwell arrangement is unlikely to be acceptable to other RSLs.

As Harbour Homes are currently not developing new affordable homes and the suggested shared stairwell layout is unlikely to be acceptable to other RSLs, Housing Management and Housing as the consultee for Affordable Housing can only support the application if a planning condition is attached to ensure that prior to the commencement of the development, the applicant is in contract with a Registered Social Landlord to deliver the social rented homes.

Whilst the position of Affordable Housing is understood it is not considered to be a reasonable condition to limit the commencement of development to a signed contract with an RSL provider. The terms of the Legal Agreement allow for the flexibility in delivery of the affordable housing units. It is more appropriate to regulate the delivery of affordable housing through the legal agreement. A clause can be included within the legal agreement to address the concerns of Affordable Housing and to secure an RSL partner prior to commencement of development.

A legal agreement will be required to secure 25% of affordable housing. This is to comply with NPF 4 Policy 16 and Policy HOU 6 of the LDP.

Education

Impact on education infrastructure was assessed based on one house and twenty-four flats (seven one bed flats have been excluded from the assessment).

There is capacity at Hermitage Park Primary School, the catchment non-denominational primary school, to accommodate the pupils generated from the proposed development. However, additional secondary school capacity will be required to accommodate the cumulative impact of housing developments in Leith Academy's catchment area.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the established 'per house' and 'per flat' rates set out below.

Per unit infrastructure contribution requirement towards secondary school:

£4,914 per flat

£17,267 per house

Based on one house and twenty-four flats, the application is required to contribute £135,203 towards Secondary Infrastructure. A legal agreement will be required to secure this provision.

Overall, contributions are required towards healthcare, affordable housing, and education. A legal agreement will be required to secure this provision in line with NPF4 Policy 18 and DEL 1 of the LDP.

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 proposal is consistent with the spatial priorities of compact urban growth in terms of redeveloping a brownfield site for housing, integrating with existing infrastructure and reducing the need for green belt land. The proposals comply with Policy 1 of NPF 4.

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 requirements to achieve net zero will be addressed through the building warrant stage. Heating for the proposed dwellings will be generated by in-dwelling Exhaust Air Source Heat Pump (EASHP) combined with Mechanical Ventilation with Heat Recovery. The EASHP extracts heat from ventilation discharge to warm the supply air and generate Domestic Hot Water. They are low and zero carbon (LZC) technology. In addition, solar panels are proposed within the roofscape of Block A.

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 proposed roofscape indicates a green roof but treatment finish is not specified. A green roof is beneficial in terms of slowing down surface water run-off and introducing enhanced biodiversity measures. A condition requiring further details of the proposed green roof is required. This is to consider this matter in more detail.

The proposal is for a parking free scheme with 100% provision for secure cycle parking for the occupants. As highlighted, a car parking free scheme helps to create more sustainable, attractive place to live and helps to address congestion, air pollution and noise. The site is within walking/wheeling distance to nearby bus stops, utilising existing transport and networks.

The proposals comply Policy 2 of NPF 4.

Conclusion in relation to the Development Plan

The proposal will contribute towards sustainable, liveable, and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. Impacts have been identified and addressed in the assessment section of the report. 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

Neighbours were first notified of the application on 31 March 2023 and the proposal attracted a total of sixteen comments; 13 objected, 2 supported the proposals and one raised neutral comment. Neighbours were re-notified of the application on 23 October 2023 and the revised scheme attracted eight objections. The material comments raised are addressed in the assessment section of the report.

A summary of the representations is provided below:

material considerations - original scheme – objection

- Development design, height, and massing.
- Overdevelopment.
- Residential amenity (daylight, sunlight privacy, noise, and air quality).
- Infrastructure pressure (schools, nurseries, and healthcare).
- No parking provision and existing parking pressures in the area and would result in unsafe parking.
- Would increase traffic and pollution.
- Do not provide sufficient sustainable travel or wider sustainability measures.
- Flood impacts.
- Development needs to build ahead of net zero-targeted building standards.
- New green space is needed to accommodate the population increase in the area.
- Improvements/contribution towards pedestrian and cycle infrastructure required, including safe cycle routes along Hawkhill Avenue.

material considerations - original scheme – support

- Need for housing.
- Will not change character of area.
- Will enable a neglected parcel of land where part of it has been used for dumping and fly tipping.

material considerations - original scheme - neutral

- Incorporate swift nest bricks.

non-material considerations- original scheme – objection

- Do not need more housing - does not preclude assessment.
- Will result loss of view - while loss of view is unfortunate, planning does not protect the private interests towards a particular view.
- Will devalue property - planning does not control market fluctuations.
- Reference to design statement for planning application 17/00719/FUL - the application is assessed as submitted and in line with new policy considerations (NPF4).
- Properties at 4,8,12,16,20,22 and 11/14 Hawkhill Closs were not included in the neighbour notification list - the requirement to undertake statutory neighbour notification is not based on sightlines to the development. In accordance with regulation 18 (2)(a) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, neighbours within 20 metres of the application site were notified.

material considerations - revised scheme

- Residential amenity (daylight, sunlight privacy, noise, and air quality).
- No car parking provision and no provision for taxis, carers vehicles, trades vehicles, visitors, and delivery vehicles.
- Existing car parking pressures in the area/insufficient on-street parking/particularly during football matches at the Hibs football ground surrounding roads are filled with football spectator's cars.
- Infrastructure pressure (schools, nurseries, and healthcare).

- Environmental impact - Lochend Park has recently suffered serious flooding due to the ongoing urbanisation of the near-by area. This development puts this local nature site at further risk.
- Affordable housing.
- Community safety passive surveillance - multiple access from the lane will increase anti-social/criminal behaviour.
- Impact on sustainable travel - no protection of cycle ways and pedestrian infrastructure on Hawkhill Avenue and Lochend Butterfly Way.
- Disabled car parking provision will obstruct the road.

non-material considerations- revised scheme

- Loss of view from kitchen - While loss of view is unfortunate, planning does not protect the private interests towards a particular view.
- The recent changes to bus services in the local area means there are now less buses than there used to be, with longer routes - planning does not control the supply and demand of bus operators.

Conclusion in relation to identified material considerations.

The material considerations have been identified and there are no new material considerations to resolve.

Overall conclusion

The proposal will contribute towards sustainable, liveable, and productive places. The proposal complies with the policies contained National Planning Framework 4 and Edinburgh Local Development Plan. The proposed development design is acceptable, neighbouring amenity will not be adversely affected and future occupiers will have reasonable levels of living amenity within the development. A legal agreement is required to secure contributions towards healthcare, affordable housing, and education. There are no material considerations that outweigh this conclusion. 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 three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. i) Prior to the commencement of construction works on site:

- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. Notwithstanding the approved drawings, details of the green roof shall be submitted to and approved in writing by the Planning Authority before works commence on the site. The approved details shall be implemented prior to first occupation of the units.
 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 may be required.
 5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act. 1997
2. To ensure that the site is made safe for end use.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to ensure that the approved landscaping works are properly established on site.

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 - Secondary School Infrastructure - rate of £4,914 per flat and £17,267 per house. Based one house and twenty-four flats, the application is required to contribute £135,203 towards Secondary Infrastructure.

Affordable housing - 25% (8 affordable homes) with a representative mix of house types and sizes provided.

Healthcare - £30,240 (32 x £945) towards Brunton Healthcare contribution zone.

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 incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.
5. 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. This should include information for Blue Badge users.
6. The applicant is required to liaise with Waste and Cleaning Services to discuss their waste strategy.
7. Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge rate to the combined network.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 March 2023

Drawing Numbers/Scheme

01-02, 03B-04B, 05A-13A, 14-15, 16A, 17-20.

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Flood Planning
COMMENT: Proceed to determination.
DATE: 5 March 2024

NAME: Transport Planning
COMMENT: No objection subject to conditions/informatives.
DATE: 5 February 2024

NAME: Archaeology
COMMENT: No objection.
DATE: 19 April 2023

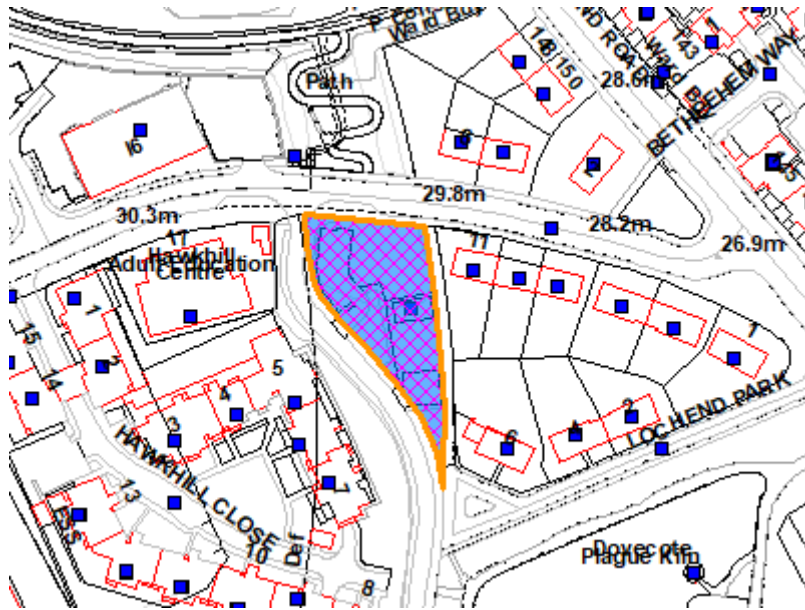
NAME: Waste Services
COMMENT: Applicant to liaise with Waste Services to discuss their waste requirements.
DATE: 6 April 2023

NAME: Children and Families
COMMENT: No objection subject to contributions towards secondary education.
DATE: 22 January 2024

NAME: Environmental Protection
COMMENT: No objections subject to conditions and informatives.
DATE: 5 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 17 April 2024

**Application for Planning Permission STL
119 Montgomery Street, Hillside, Edinburgh**

Proposal: Change of Use from Office to Short Term Let in retrospect.

**Item – Committee Decision
Application Number – 23/04763/FULSTL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because it has received 22 comments in support, and the application is being 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 change of use of this property to a Short Term Let (STL) will have an unacceptable impact on neighbouring amenity contrary to policy Hou 7 and NPF 4 policy 30(e)(i).

Notwithstanding the description of proposal referring to the change of use from office, the use of the property is considered to be residential given the site history and enforcement notice on the property. On this basis, the loss of the residential accommodation has not been justified. Whilst it is recognised that there is an economic benefit to the City as a whole from the provision of visitor accommodation in this case it does not outweigh the loss of residential accommodation or the adverse impact on residential amenity.

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

SECTION A – Application Background

Site Description

The application site is a two-bedroom ground floor flat located on the corner of Montgomery Street and East Montgomery Place. The property has its own main door access to the street and is located above and below other flatted dwellings. The application property is within an area of predominantly residential character, typically featuring a low degree of activity during the day and night, though this occasionally increases when the nearby Montgomery Street Park is in peak usage.

Public transport links are highly accessible from the application site.

Description of the Proposal

The description of proposal seeks a retrospective change of use of the 97 sqm property from Class 4 office to STL with two bedrooms, however the application is understood to be for a change of use from a flatted dwelling to STL.

The proposed use commenced in March 2023. As stated in the relevant site history, planning permission was granted for the conversion of the office to form two residential properties, one at the ground floor and the other at the lower ground floor, reference 21/02515/FUL. Works commenced in line with the approved applications and the conversion was completed in January 2023. For the avoidance of doubt, it is only proposed to convert the ground floor flat to short term let use, and no internal or external physical changes are proposed.

Supporting Information

Planning Statement

Relevant Site History

21/02515/FUL

119 Montgomery Street

Edinburgh

EH7 5EX

Application for change of use from class 2 office to class 9 residential (2 flats).

Granted

10 June 2021

21/02515/VARY

119 Montgomery Street

Edinburgh

EH7 5EX

Non-Material Variation application to 21/2515/FUL. Window profiles slightly amended for fire escape windows and additional clerestory added to side elevation. uPVC door and timber fence added to side elevation for security and privacy to lower ground floor flat.

VARIED

1 December 2022

Other Relevant Site History

The application property is subject to enforcement action, case reference: 23/00224/ESHORT. The relevant enforcement notice was upheld at appeal, case reference: ENA-230-2260.

1 East Montgomery Place is subject to enforcement action, relating to the unauthorised use of the property for short-term letting, case reference, 22/00814/ESHORT. An enforcement notice was served on 31.05.2023.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 19 October 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 24

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) **The proposals comply with the development plan.**

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

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

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

The non-statutory Guidance for Businesses (2024) is a material consideration that is relevant when considering LDP Policy Hou 7 and NPF4 Policy 30 and the Edinburgh Design Guidance is a material consideration when considering LDP Policies Tra 2 and Tra 3.

Proposed use

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

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

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

The non-statutory Guidance for Businesses (2024) states that an assessment of a change of use of dwellings to an STL will have regard to:

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

Amenity

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

The proposed use in this predominantly residential location is not in-keeping with the character of the area and would have an unacceptable impact on the amenity of residents that are living in proximity to the property as the noise generated by the proposed use would be significantly different from the ambient background noise that neighbouring residents might reasonably expect, particularly at night.

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

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

Loss of residential accommodation

The supporting statement outlines that following completion of the works associated with planning application 21/02515/FUL, the property has since been used exclusively as an STL, and that it therefore follows that the residential use consented has not been taken up.

However, in accordance with Section 27(1) of the Town and Country Planning (Scotland) Act 1997, and the relevant case law, *Caledonian Terminal Investments Ltd v Edinburgh Corp* [1970] S.L.T. 362 and *Doonin Plant Ltd v Scottish Ministers* [2011] CSOH 3, the works associated with 21/02515/FUL have progressed sufficiently that the office use has ceased, and sufficient work and change has been done to achieve as a matter of fact the change of use to residential.

Given the above, the planning status of the property is considered to be as a flatted dwelling. Therefore, the application is assessed as a proposed change of use from residential to short term let, resulting in the loss of one flatted dwelling.

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

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. The use of the property by guests and the required maintenance and upkeep of STL properties are likely to result in a level of job creation and spend within the economy which can be classed as having an economic benefit. The Planning Statement references a report that concludes that short term lets in general are of benefit the tourist industry in Edinburgh, however the planning statement does not refer in detail to what the economic benefits of this specific proposal may be.

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

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

Parking Standards

No car parking and no cycle parking is proposed. This is compliant with the standards described in the Edinburgh Design Guidance. No significant impact to public transport is identified.

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Independent economic impact assessment

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

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

Equalities and human rights

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

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

Public representations

The application received 2 comments in objection and 22 comments in support. A summary of the representations are provided below:

material considerations in objection

- The proposal will result in a loss of residential accommodation. Assessed in section a).
- Negative impact on the local community. Assessed in section a).
- The proposal is incompatible with local and national planning policy. Assessed in section a).
- The proposal is contrary to City Plan 2023 Assessed in section b).

- Negative Impact to neighbouring amenity. Assessed in section a).
- Negative impact to the character of the area. Assessed in section a).
- The local economic benefits do not outweigh the loss of housing. Assessed in section a).
- Negative Impact to local services (public transport). Assessed in section a).

material considerations in support

- Short term lets are good for the economy in general. Assessed in section a).
- The property is suitable for use as a short term let. Assessed in section a).
- Lack of impact to neighbouring amenity. Assessed in section a).
- The proposed use would enable more tourists to visit the city. Assessed in section a).
- The proposed short term lets is good for the local economy. Assessed in section a).
- The proposal will not result in a loss of residential accommodation. Assessed in section a).

non-material considerations

- The proposal will result in increased rental costs in Edinburgh.
- Incorrect land ownership certificate submitted.
- Construction of a fence without permission that is not included on the application plans.
- The property complies with the relevant regulations.
- The proposed short term let will increase tax revenue.
- The current management regime of the short term let.
- The good character of the property owner.
- The proposal will stop foreign owned hotels from benefiting from tourism in Edinburgh.
- Short term lets are better than alternatives at hosting visitors.
- Historic incidences of illegal parking.
- Negative Impact to local services (waste).

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

Reasons

Reason for Refusal: -

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 22 September 2023

Drawing Numbers/Scheme

01, 02

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

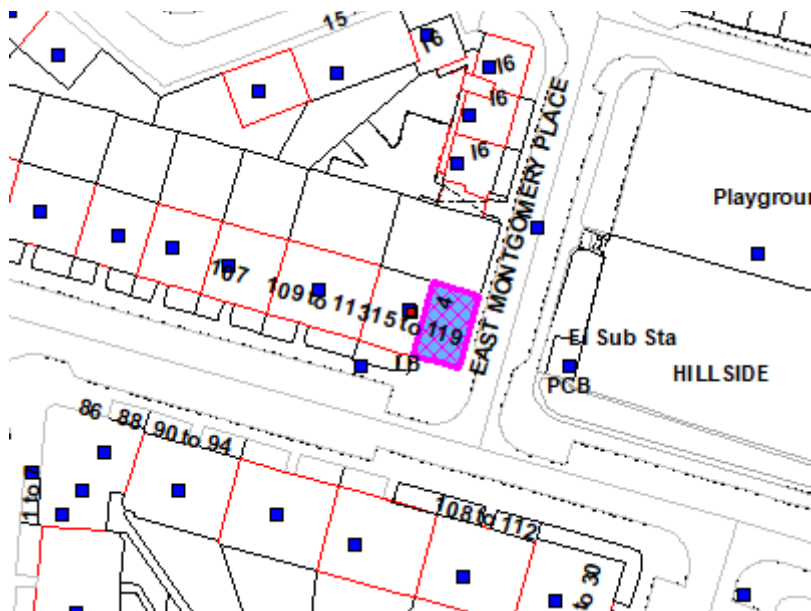
Contact: James Armstrong, Planning Officer
E-mail: james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 17 April 2024

Application for Planning Permission

Land 160 metres northeast of 4 Oversman Road, Edinburgh.

Proposal: Proposed development of Sui Generis car showroom with car storage and motor vehicle service and repair, ancillary offices, erection of 2.4m high fence, access, car parking and landscaping.

Item – Committee Decision

Application Number – 23/07321/FUL

Ward – B17 - Portobello/Craigmillar

Reasons for Referral to Committee

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

Recommendation

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

Summary

The principle of development is acceptable on the site and has been established by the previous grant of planning permission in principle 22/05666/PPP. The currently proposed Sui generis (of the Town and Country Planning (Use Classes) Scotland Order 1997) car showroom with car storage and motor vehicle service and repair, ancillary offices and associated works, is acceptable in planning terms. The proposal is compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on vacant land. Therefore, the proposal complies with National Planning Framework 4 and the Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. There are no other material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is an area of vacant land of some 0.8 hectares, bordered by Oversman Road to the south and Whitehill Road to the east. It comprises the eastern part, known as plot C, of the 3 business/industrial plots granted planning permission in principle under planning reference 22/05666/PPP and subsequently detailed planning permission under planning application reference 23/02090/FUL. The site is presently covered with unmanaged shrubs, grass and small trees. Larger industrial and commercial buildings generally of a functional appearance are within its vicinity. These include a timber merchant, a range of home improvement stores, car dealerships and fast food outlets. It is located within a business and industrial area as identified in the Local Development Plan (LDP) and adjacent to a commercial centre.

Description of the Proposal

Detailed planning permission is currently sought for the use of plot C as a Sui generis car showroom with car storage and motor vehicle service and repair, ancillary offices, the erection of a 2.4-metre-high fence, formation of an access, and car parking. The application description originally also included possible business, industrial and storage and distribution uses under Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997. The applicant is no longer seeking planning permission for Classes 4, 5 and 6 use and thus the application description has been revised to omit reference to these other uses.

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

The proposed car parking includes 40 spaces for customers including 20 EV spaces and 3 disabled accessible spaces. Additionally, 66 storage parking spaces including 4 EV spaces are proposed. These 66 storage spaces are behind a fence and not accessible for customer parking.

The proposed cycle parking includes 19 employee spaces within a secure, covered cycle store and 3 customer spaces.

Supporting Information

The following supporting documents has been submitted with the application:

- planning statement;
- design statement;
- flood risk assessment;
- tree survey;
- ecological survey;
- report on site investigation.

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

Relevant Site History

22/05138/SCR
Land 160 Metres Northeast Of
4 Oversman Road
Edinburgh
EIA screening request.
EIA Not Required
18 October 2022

23/06151/SCR
Land 160 Metres Northeast Of 4
Oversman Road
Newcraighall
Edinburgh

EIA Screening request.
EIA Not Required
20 March 2024

23/02090/FUL
Land 160 Metres Northeast Of 4 Oversman Road
Edinburgh
Proposed development of three detached business and industrial units, (Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) Scotland Order 1997), including but not exclusive to, trade counter, builders merchant, tool hire, ancillary offices and ancillary retail, and motor vehicle service and repair with associated external storage, erection of 2.4m high fence, access, car parking and landscaping.
Granted
31 October 2023

22/05666/PPP
Land 160 Metres Northeast Of
4 Oversman Road
Edinburgh
Proposed development of three detached business and industrial units, including trade counter (use Classes 4, 5 and 6) and Sui Generis car showroom with associated access, car parking and landscaping.
Granted
2 May 2023

Other Relevant Site History

None.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Transportation Authority

Environmental Protection

Archaeology Services

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

Publicity and Public Engagement

Date of Neighbour Notification: 22 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

The relevant NPF4 and LDP policies to be considered are:

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

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

Principle

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

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

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

The principle of the use of the site for Sui generis car showroom and car storage and motor vehicle service and repair use is established by the previous grant of planning permission in principle and subsequent grant of detailed planning permission 23/02090/FUL. The current proposal for a Sui generis car servicing garage with showroom on the site is compliant with NPF4 policies 9, and 36 and LDP policy Emp 8.

Climate Mitigation and Adaptation

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

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

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

In the applicant's planning statement, they confirm that from the outset the development is designed to be sustainable in design and performance, with targeted inclusion of various design features that will enhance the overall sustainability of the scheme. The features include increased air tightness, no gas supply, on-site renewable energy generation through the use of roof mounted photovoltaic (PV) panels. In addition, the proposal includes enhanced cycle storage provision, including electric bike charging points and non-standard cycle spaces, enhanced electric vehicle charging points and high efficiency lighting internally and externally.

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

The current application delineates changes to Plot C (from a builder's yard to a servicing garage and showroom) including an increase in proposed customer/staff parking by 1 space and the provision of 66 vehicle storage spaces. Environmental Protection consider that the 1 extra customer/staff space to 40 spaces than previously consented, plus the addition of 66 car storage spaces, indicates that the current proposal will be worse in air quality impact terms than the previously consented scheme for Plot C.

An air quality impact assessment/statement (AQIA) has not been provided in support of the current application. However, the planning authority does not consider that 1 additional customer/staff parking space and 66 storage spaces would give rise to significant additional vehicle trips and consequent significant additional air quality impacts. It is a reasonable assumption to make that the proposed 66 storage spaces would generate less vehicle journeys than customer/staff spaces would. Of the proposed 40 customer/staff spaces 24 are electric vehicle (EV) charging spaces. The proposed development also includes 22 cycle parking spaces of which 3 are for customer use. The proposed EV car charging provision will go some way to mitigating air pollution. Therefore, it would not be reasonable for the planning authority to insist that the applicant carry out a AQIA that considers cumulative impact. Notwithstanding, the previously consented scheme included a delivery vehicle charge point, which was considered as a good air quality mitigation measure. However, this has been omitted from drawings submitted with the current application. The car servicing garages and showroom will still take deliveries. Therefore, in the interests of air quality, an informative is recommended advising that a delivery vehicle charge point is installed.

Flooding and Drainage

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

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

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

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

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

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

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

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

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

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

Archaeological Remains

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

The application site is the site of the historic Newcraighall Colliery and Brickworks closed in the 1960's and early 1990's respectively. In response to condition 3 attached to the previous planning permission 23/02090/FUL, an archaeological evaluation was undertaken by AOC Archaeology on the wider site and a report on this subsequently submitted to the planning authority. The report concludes that no significant results were uncovered, and no further post-excavation work is required. Accordingly, the Council's Archaeological Advisor confirms that no further action is required for this application site given these negative evaluation results.

The proposed development is in accordance with NPF4 policy 7.

Design, Quality and Place

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

The quantum of development proposed in this current application does not amount to over development of this site within an established business/industrial area.

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

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

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

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

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

Amenity of neighbouring residents and future occupiers of the site

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

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

Environmental Protection consider that the new plant room and jet wash may impact upon amenity if not suitably mitigated. Accordingly, they advise that a Noise Impact Assessment (NIA) be undertaken that includes assessment of them. A NIA has not been submitted with the application. However, the application site (plot C) is not closer to any of the neighbouring residences than plots A and B are. The closest residence of Niddrie Cottages is located some 127 metres from the application site boundary. Additionally, as stated above, Niddrie Cottages are shielded from the site by an existing continuous row of industrial/storage buildings along the south side of Newcraighall Road. Given this, it is unlikely that the proposed plant and jet wash would give rise to undue noise nuisance to Niddrie Cottages. Therefore, it would not be reasonable or necessary for the planning authority to insist that a NIA is submitted to assess the noise impact of the plant and jet wash.

Odour, vibration and lighting

The unit on plot A of the previous application was consented for a car servicing and cosmetic repair facility, the emissions from which will be controlled by bespoke abatement equipment, with exhaust flue design and positioning in compliance with statutory government guidance to minimise the potential for odorous emissions to atmosphere. A VOC/odour/fume assessment was provided in support of the previous application. It advised that any odour impact potential is considered to be small. The nearest flue extraction point source within the proposed development would be located approximately 90 metres from the closest sensitive residential receptor. The assessment advised that effective dispersion should be rapidly achieved from the point of exit. It is therefore expected that any associated fumes will be unlikely to impact upon residential amenity. This current application relates to plot C of that larger site, which is not any closer to sensitive residential receptors than plot A is. Therefore, it is expected that any associated fumes from the current proposal will be unlikely to impact upon residential amenity.

Ground Contamination

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

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

Transportation

Car and Cycle Parking

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

The proposed 106 car parking spaces including 22 EV charging spaces is acceptable based on the Council's parking standards for Sui Generis - Motor Trade: display area. However, the number of accessible bays should be increased from 4 spaces to 7 spaces to comply with the minimum requirement. This can be controlled by a planning condition. The number of EV car parking charging points exceeds the Council's minimum requirement and is acceptable. Subject to the abovementioned planning condition, the proposal complies with LDP policy Tra 2.

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

In terms of quantum of spaces, the proposed provision of cycle parking spaces complies with the council's parking standards. An informative is recommended that the applicant/developer engage with the planning authority to agree a mix of types of cycle parking, including spaces for non-standard cycles. Subject to this, the proposal complies with LDP policy Tra 2.

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 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

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

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

Public representations

No representations were received.

Conclusion in relation to other matters considered

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

Overall conclusion

The principle of development is acceptable on the site and has been established by the previous grant of planning permission in principle 22/05666/PPP. The currently proposed Sui generis (of the Town and Country Planning (Use Classes) Scotland Order 1997) car showroom with car storage and motor vehicle service and repair, ancillary offices and associated works, is acceptable in planning terms. The proposal is compatible with policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on vacant land. Therefore, the proposal complies with National Planning Framework 4 and the Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. There are no other material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. Prior to the units commencing operations, the EV charging points delineated on drawing No.KIN-CDA-CZ-ZZ-DR-A-020001 revision P6 and dated 04/04/23 shall be installed and made operational. As a minimum each charger should include standard 3-pin plug (13amp) installed with an option for future owner to upgrade them to a 7KW (32amp) with type two socket.

4. Development shall not begin until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the provision of SUDS, landscaping and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.
5. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
6. Notwithstanding that delineated on application drawings, the number of accessible visitor/staff parking bays provided shall be increased from 4 spaces to 7 spaces.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. In the interests of air quality mitigation.
4. To ensure the timely delivery of infrastructure and landscaping, in the interests of the amenity of the area.
5. To ensure a satisfactory appearance to the development in the interests of safeguarding the character and visual amenity of the area.
6. In the interests of ensuring an adequate quantity of accessible parking spaces for visitors and staff and to accord with LDP policy Tra 2 Private Car Parking.

Informatives

It should be noted that:

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. A wildlife friendly lighting scheme should be utilised during both the construction and operational phases.
4. Bat and bird boxes, invertebrate niches such as bee/insect 'hotels' should be provided on the site and additionally, swift bricks and bat bricks should be included on elevations of new buildings and within the site.
5. The access must be open for use by the public in terms of the statutory definition of 'road' and the proposed footway on the north side of Oversman Road should be constructed to adoptable standards under RCC. The extent of adoptable roads, including footways, footpaths, access, cycle tracks, verges and service strips should be agreed with the roads authority. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. The applicant should consider developing a Travel Plan including provision of a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
9. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if they want the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

11. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>
12. A delivery vehicle charging point should be installed with a "rapid" 50 Kw (125amp) triple headed (Combined Charging Standard/CHAdeMO/Type 2) charger.
13. The applicant should engage with the Planning Authority to provide a broad mix of types of cycle parking, including 20% non-standard cycle spaces.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 13 December 2023

Drawing Numbers/Scheme

01, 02A, 03, 04A, 05, 06A, 07, 08, 09, 10, 11

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Transportation Authority

COMMENT: No objection. Conditions/Informatives recommended.

DATE: 18 March 2024

NAME: Environmental Protection

COMMENT: No objection. Conditions and informatives recommended.

DATE: 16 March 2024

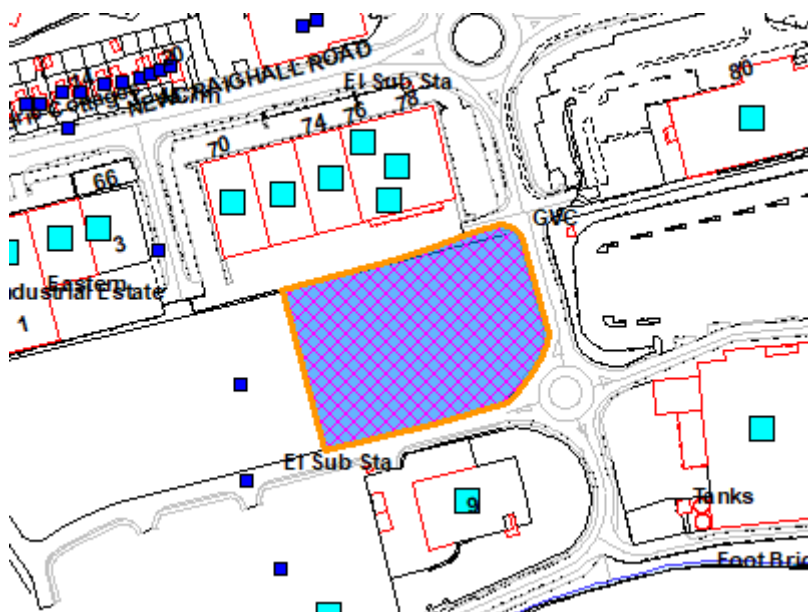
NAME: Archaeology Services

COMMENT: No objection.

DATE: 3 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

Wednesday 17 April 2024

Application for Planning Permission

72 - 77 Princes Street & 1 - 5 Hanover Street, Edinburgh, EH2 2DF.

Proposal: Redevelopment of existing floorspace for serviced apartment use including associated alterations and extensions.

Item – Committee Decision

Application Number – 23/06881/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 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 scheme whilst contributing to climate mitigation and adaptation.

There are no material consideration which outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site occupies a prominent corner site within the city centre at the junction of Princes Street and Hanover Street. The site covers an existing floorspace of 1,784 sqm across four interconnected buildings, reaching five storeys in height.

The only existing active use within the site is in the form of a café to the first floor of 1 Hanover Street and 76-77 Princes Street. All ground floor units of the buildings are currently in active retail use although do not form part of this application.

Existing access can be taken into the site from an access point at 1 Hanover Street, 5 Hanover Street and through a connection from 70-71 Princes Street. Other buildings area landlocked within the built development with no independent access.

The site includes four Category B listed buildings:

72-73 Princes Street (Ref: LB43317, 28/03/1996): Mid-19th century, polished cream sandstone ashlar with UPVC tilt and turn windows, mansard roof.

74-75 Princes Street (Ref: LB43318, 28/03/1996): Late 18th century with considerable 19th century alterations. Former townhouse extended to 4th floor and double attic. Droved sandstone with painted timber dressings. Timber sash and case plate glass windows.

76-77 Princes Street/ 1 Hanover Street (Ref: 43319, 28/03/1996): Late 18th century with mid-19th century alterations and additions. Former classical 3 storey tenement, with late top storey and built out shops to ground and first floor. Five bays to Princes Street, four bays to Hanover Street. Droved cream sandstone with ashlar dressings. Timber sash and case windows to upper floors, mostly plate glass.

3-5 Hanover Street (Ref: LB4321, 28/03/1996): Former pair of 2 storey and attic 3 bay classical houses with later alterations and additions. Droved cream sandstone, timber architraves. Timber sash and case and casement windows with a variety of glazing.

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

The surrounding area has variety of uses, predominantly commercial including shops, offices, hotels, cafes, restaurants, and bars. The area is well served by various sustainable transport modes and networks given its city centre location.

Description of the Proposal

The application is for the redevelopment and adaptation of the site, bringing it back into active use and proposing 30 serviced apartments. The proposal seeks to adapt the existing properties to provide a connected group of properties accessed via a new primary access at 1 Hanover Street. The proposal includes the following works:

- An additional storey to the roof at 72-74 Princes Street;
- Extension of the building footprint to the rear courtyard;
- External alterations to the Princes Street and Hanover Street elevations; and
- Replacement of existing windows.

The entrance area at 1 Hanover Street will comprise of a double glazed entrance screen, extending up to the first floors with aluminium surround and dark metallic cladding.

The first floor gallery spans the Princes Street elevation and wraps around to Hanover Street on the west elevation. This will be replaced with timber framed windows and a zinc roof.

The following internal alterations and downtakings are proposed:

- Removal of existing staircase at 72-73 Princes Street;
- Removal of existing staircase at 74-75 Princes Street;
- New feature entrance stair from access point at 1 Hanover Street;
- Removal of internal walls and installation of additional internal partition walls associated with reconfiguration of internal floorspace at 74-75 Prince Street;
- Infill of existing internal openings to neighbouring retail unit to provide separation between the proposed development and neighbouring uses;
- Provision of new internal steps to accommodate changes in level between existing floor slabs.

The proposed internal alterations form part of the associated application for listed building consent (Ref: 23/06884/LBC).

There will be no loss of retail space as part of the application - the existing retail space across the ground floor does not form part of the application.

Scheme 1

The original scheme proposed a larger roof extension, bigger massing to the rear of the building and different windows.

Supporting Information

- Design and Access Statement;
- Energy and Sustainability Statement;
- Heritage Statement and Addendum;
- Noise Impact Assessment;
- Inspection Report and
- Planning Statement.

Relevant Site History

No relevant site history.

Other Relevant Site History

30 August 2019: Application granted for conversion of unoccupied floorspace back to residential use and creation of rear/upper-level amenity space. (Ref: 17/04601/FUL).

30 August 2019: Listed Building Consent granted for conversion of unoccupied floorspace back to residential use and creation of rear/upper-level amenity space. (Ref: 17/04602/LBC).

9 June 2015: Application granted for change of use from mixed use (retail/ office) to residential accommodation forming 3 flats. (Ref: 15/00474/FUL).

Neighbouring property:

13 March 2024: Application granted 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. (Ref: 23/06554/FUL).

13 March 2024: Listed Building Consent granted for Selective demolition and alterations to form hotel and ancillary uses with refurbished commercial units and associated works. (Ref: 23/06565/LBC).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeology

Transport Planning

Edinburgh World Heritage

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 20 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 January 2024

Site Notices Date(s): 28 December 2023

Number of Contributors: 3

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals harm the listed building or its setting?

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

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

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 and the introduction of new build elements that respect and complement the individual listed buildings and surrounding historic environment. 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 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.

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. Whilst the proposal will have some impact on the setting of surrounding listed buildings, it is considered this impact will not be significant.

The existing steel roof structure dates to the 1960's and the first floor window structure wrapping around the elevations at this level are originally from 1910 with later alterations. The applicant states in the Heritage Statement that the roof is not original and has been altered in the past. The external works to the building facade and the roof include a new mansard roof with new dormers. The front wall of this extension is notably set-back from the wall head dormers and the gable chimneys of the adjacent buildings such that its visibility would be very limited. It is considered that the proposed roof arrangement and dormers would not significantly change the form of the existing roof and provide an element of architectural unity.

The proposed extensions are of an acceptable scale. The range of materials to be used in the new extensions is appropriately high quality and complementary to the historic construction materials.

Conclusion in relation to the listed building

The proposed works will respect and reinvigorate these listed buildings through sensitive adaptation. The re-purposing of the currently under used spaces above ground floor level will contribute positively to the upkeep of these areas.

Due to the restrained scale and appropriate massing, the proposal will not have a detrimental impact on the character or setting of the listed buildings.

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

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

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 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. The proposal reinforces the formal plan form of the first New Town.

In terms of the rear elevation, this is of significantly less architectural quality than the facades and the proposals will be of little impact as views of the elevation are limited. The building has been sensitively designed to fit within the existing context of the wider area.

The retention of retail use at ground floor level will continue the tradition of shops that started to emerge after the earliest phases of the First New Town, often within altered and extended ground floor premises.

The location has an important city centre streetscape value and needs careful treatment. Visualisations from agreed viewpoints from key landmarks demonstrate the extent and variety of the existing surrounding roofscape and confirm that the proposal will have a minimal impact on the roofline along Princes Street. Whilst the rooftop extension will be visible from key landscapes, it is modest in scale and design and will not significantly impact on the skyline of the building on this prominent corner within the Conservation Area.

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 will preserve and enhance the character and appearance of the New Town Conservation Area through high-quality design and materials.

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

c) The proposals comply with the development plan?

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

- NPF4 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 7
- LDP transport Policies Tra 2, Tra 3

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

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

Principle

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.

The development is acceptable in principle as it will sustain the city centre in terms of tourism-related activities, in compliance with LDP Policy Del 2.

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.

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.

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

Historic Assets and Place

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.

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

NPF4 Policy 7l) notes that development proposal affecting a World Heritage site, or its setting will only be supported where their Outstanding Universal Value is protected and preserved.

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.

The new roofscape is of a modest design and the visualisations from key viewpoints have confirmed that the proposal will not have a detrimental impact on existing views, contributing to the existing varied roof height and materials along Princes Street.

The development will have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with NPF4.

Design, Scale and Massing

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

The 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 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, height, form and style proposed draws upon the positive characteristics of the site and surrounding area, in compliance with LDP Policy Des 3. The proposed heights respect the relative heights of the surrounding buildings, whilst providing the degree of elevation necessary for views across the city. This fulfils the policy objectives of LDP Policy Des 4.

The west elevation, facing onto Hanover Street, will provide the main access point into the serviced apartments. The new double glazed entrance screen is proposed to be finished with metallic cladding. This design solution has been diluted from initial proposals to ensure it is in-keeping with the surrounding historic environment. This modern adaptation is considered to present an interesting entrance point and is considered acceptable.

The redevelopment of the upper floors of this listed building in the city centre core will bring a vacant building into active use, serving mainly the tourism sector and contributing to surrounding commercial businesses. The site is located within close proximity to numerous sustainable transport modes (active travel routes, bus, train and tram) in an accessible city centre location. The design concept utilises the positive characteristics of the site and surrounding area, allowing the development to be well incorporated into the existing environment.

A new level of accommodation is proposed at 72-74 Princes Street which will be set back from the wall head dormers and gable chimneys on the principal elevation. The overall height will not exceed the existing varied height on Princes Street. It would comprise of a flat roof with dark metal cladding to create a sensitive and lightweight addition to the building, with minimal visibility from views along Princes Street.

To the rear of the buildings on the north elevation, the non-original PVC clad stone extension is to be removed and replaced with a four storey extension. This will be clad in pale brickwork, with elements of dark metal cladding on the uppermost part of the elevation. The height of this will not exceed the existing building height. The existing lift and stair core to the rear of the building is to be extended, with materials to match that of the new rooftop extension.

There are few original windows remaining in the property, with most being in a poor condition providing an inadequate level of sound and thermal insulation. A non-intrusive survey confirms that the timber is in a deteriorating condition. Windows on the south and west elevations are proposed to be replaced white painted sash and case timber windows. The first floor gallery windows will be replaced with double glazed tilt and turn units, with timber frames to reflect the original windows. The proposal respects the fenestration pattern of the existing buildings.

The design strategy incorporates the principles of sustainable design and construction, whilst drawing on the surrounding characteristics of the area in a sensitive manner. The proposal complies with NPF4 Policy 14 and LDP Policies Des 1, 3, 4 and 7.

Residential Amenity

The site is located within the city centre core and is surrounded by retail and commercial premises. There are no residences in proximity to the proposed development so there will be no impact on residential amenity in terms of privacy, daylighting or noise.

A noise impact assessment (NIA) has been provided in support of the application which considers both noise impacts upon the proposed development and impacts on surrounding noise sensitive properties. The NIA concludes that the proposed development should be suitable in terms of internal acoustic conditions for serviced apartments and will not impact on nearby sensitive receptors.

A condition is recommended below to ensure the glazing and ventilation recommended within the NIA is included within the finalised proposal.

The proposed ventilation strategy is for the installation of mechanical for the rear façade rooms and openable windows for the front rooms. Mechanical ventilation as an alternative to opening windows is not a sustainable option due to its need for energy to operate and not usually supported but as this application is for services apartment and will not be used for long term stays it is acceptable in this instance.

The development will have an acceptable impact on residential amenity, in compliance with LDP Policy Des 5.

Parking, Road Safety and Infrastructure

LDP Policy Tra 3 (Private Cycle Parking) supports development where adequate cycle parking and storage is provided and complies with standards set out in Council guidance.

The proposal includes four private cycle parking spaces on the first floor. This is accessed directly from the associated lift. This is acceptable given the constraints of the site in terms of minimal available floor space at ground floor level and heritage sensitivities.

The development will not generate any significant additional traffic considering the accessible location and proximity to public transport, complying with NPF Policy 13b). An informative has been applied recommending the development of a Travel Plan by the applicant.

The development proposes zero car parking spaces, which complies with the Council's parking standard in Zone 1A. Therefore, the proposal complies with LDP Policies Tra 2 and Tra 3.

The applicant will be required to contribute the net sum of £59,344 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. A suitable legal agreement is required to secure this contribution.

Archaeology

The Council's Archaeology Team noted that given the regional historic significance of these buildings, it is recommended that a detailed programme of archaeological work (historic building survey) is undertaken prior to demolition/ alterations and during development to provide a detailed record of these buildings and to protect and conserve their historic fabric. In addition, the work will also require the submission of a conservation plan, submitted prior to commencement, detailing how the buildings important features will be protected or repaired during such works. A suitable condition has been recommended.

The development will therefore conserve any significant archaeological features, in compliance with NPF4 Policy 7o) and LDP Policy Env 9.

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, 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 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 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

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

- bronze material unsuitable for faced treatment on corner of building, preference would be for grey granite - addressed in section c);
- detrimental impact to the historic fabric of listed buildings with no justification for the level of internal alteration and demolition from a historic policy or statutory focus - addressed in section a);
- proposals inconsistent with S14 and S59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act in that the scheme does not preserve features of architectural interest or merit - addressed in section a) and b);
- proposals inconsistent to LDP Policies Env1, Env4 and NPF4 - addressed in section a);
- concerns over the use in this location with higher degree of movement at an already busy junction at Hanover Street and Princes Street - addressed in section c)

- proposals would contribute to the incremental degradation of the conservation area as they efface the Georgian past of the building - addressed in section b);
- the fully glazed timber shop window with an egg and dart cornice at first floor level is a good quality momento of the development of Princes Street - addressed in section c);
- no detailed drawings for window treatments which should include a condition report - a condition has been recommended and updated drawings received;
- no support for changing all windows to 1 over 1 - this has since been revised for some of the windows;
- no support for materials of dormer on west elevation -this should be traditional timber, lead and slate - addressed in section c);
- no support for rooftop extension - not in keeping, unsuitable materials and highly visible - addressed in section c);
- proposed alu-clad structure on the first floor is ugly and intrusive - addressed in section c);
- bland façade on north elevation does not reflect the scale or character of the back lanes of the conservation area - this has since been revised and scaled back;
- staircases and chimneypieces should be justified individually - addressed in section a) and c), and in associated LBC application.

non-material considerations

- there should be no loss of a café on first floor as this is a public asset.

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 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 scheme whilst contributing to climate mitigation and adaptation.

There are no material consideration which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. The noise mitigation and associated ventilation measures specified within Technical Report No. R-9912-NS2-RGM 1 dated 13th March 2024 should be installed and operational prior to start of operations on site.
3. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, analysis & reporting, conservation, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by 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 amenity of neighbouring residents and other occupiers.
3. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

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

The applicant will be required to contribute the net sum of £59,344 - based on 35 bed service apartment (£122,000) and existing 684.7sqm retail use (£62,656) in zone 1 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

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. The applicant should consider developing a Travel Plan including the provision of a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local transport.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 19 December 2023

Drawing Numbers/Scheme

01-11,12A,13,14,15A,16B,17A-19A,20C,21B,22C,23B,24D,25A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: Do not consider the development to have a major impact on the heritage assets.

DATE: 2 February 2024

NAME: Archaeology

COMMENT: Given the historic significance of the buildings, it is recommended that a detailed programme of archaeological work is undertaken prior to commencement.

DATE: 25 January 2024

NAME: Transport Planning

COMMENT: No objection, subject to Tram contribution.

DATE: 6 February 2024

NAME: Edinburgh World Heritage

COMMENT: The proposals represent a level of harm to the OUV of the World Heritage Site.

DATE: 10 January 2024

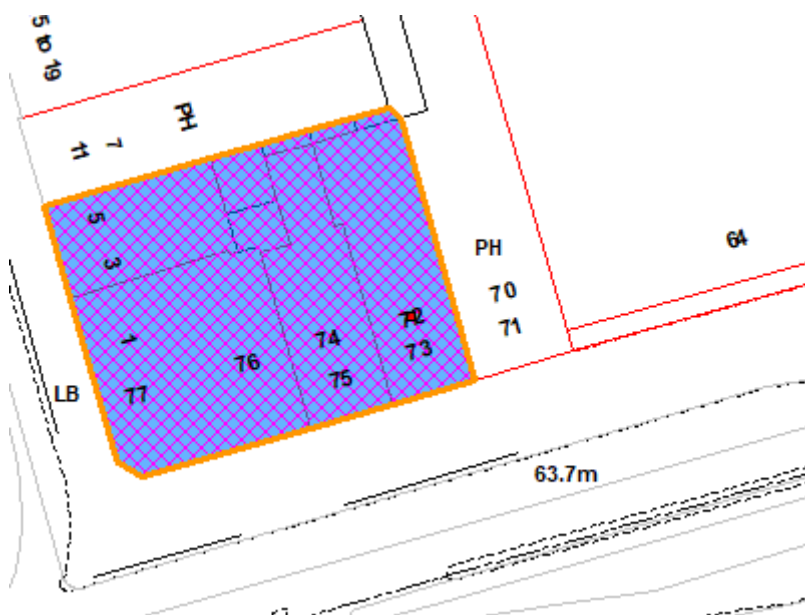
NAME: Environmental Protection

COMMENT: No objection subject to a condition ensuring the glazing and ventilation specifications being implemented as set out in the Noise Impact Assessment.

DATE: 18 March 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 17 April 2024

Application for Listed Building Consent

72 - 77 Princes Street & 1 - 5 Hanover Street, Edinburgh, EH2 2DF

Proposal: Redevelopment of existing floorspace for serviced apartment use including associated alterations; new rear extension in place of the existing; replacement windows on the south, west and east elevations; new entrance screens; new pitched roof to replace the original and new rooftop extension; extended lift and stair and new entrance doors.

Item – Committee Decision

Application Number – 23/06884/LBC

Ward – B11 - City Centre

Reasons for Referral to Committee

This application is linked to a detailed application for the formation of short term lets which are of the wider public interest and therefore should be determined by the Development Management Sub-committee.

Recommendation

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

Summary

The proposal is acceptable with regard to 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 site occupies a prominent corner site within the city centre at the junction of Princes Street and Hanover Street. The site covers an existing floorspace of 1,784 sqm across four interconnected buildings, reaching five storeys in height.

The only existing active use within the site is in the form of a café to the first floor of 1 Hanover Street and 76-77 Princes Street. All ground floor units of the buildings are currently in active retail use although do not form part of this application.

Existing access can be taken into the site from an access point at 1 Hanover Street, 5 Hanover Street and through a connection from 70-71 Princes Street. Other buildings area landlocked within the built development with no independent access.

The site includes four Category B listed buildings:

- 72-73 Princes Street (Ref: LB43317, 28/03/1996): Mid 19th century, polished cream sandstone ashlar with UPVC tilt and turn windows, mansard roof.
- 74-75 Princes Street (Ref: LB43318, 28/03/1996): Late 18th century with considerable 19th century alterations. Former townhouse extended to 4th floor and double attic. Droved sandstone with painted timber dressings. Timber sash and case plate glass windows.
- 76-77 Princes Street/ 1 Hanover Street (Ref: 43319, 28/03/1996): Late 18th century with mid 19th century alterations and additions. Former classical 3 storey tenement, with late top storey and built out shops to ground and first floor. Five bays to Princes Street, four bays to Hanover Street. Droved cream sandstone with ashlar dressings. Timber sash and case windows to upper floors, mostly plate glass.
- 3-5 Hanover Street (Ref: LB4321, 28/03/1996): Former pair of 2 storey and attic 3 bay classical houses with later alterations and additions. Droved cream sandstone, timber architraves. Timber sash and case and casement windows with a variety of glazing.

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

The surrounding area has variety of uses, predominantly commercial including shops, offices, hotels, cafes, restaurants, and bars. The area is well served by various sustainable transport modes and networks given its city centre location.

Description Of The Proposal

The application is for the redevelopment and adaptation of the site, bringing it back into active use and proposing 30 service apartments. The proposal seeks to adapt all properties to provide a connected group of properties accessed via a new primary access at 1 Hanover Street. The proposal includes the following works:

- An additional storey to the roof at 72-74 Princes Street;
- Extension of the building footprint to the rear courtyard;
- External alterations to the Princes Street and Hanover Street elevations; and
- Replacement of existing windows.

The entrance area at 1 Hanover Street will comprise of a double glazed entrance screen , extending up to the first floors with aluminium surround and dark metallic cladding.

The first floor gallery spans the Princes Street elevation and wraps around to Hanover Street on the west elevation. This will be replaced, using materials such as metal and zinc, with dark alu clad tilt and turn window units.

The following internal alterations and downtakings are proposed:

- Removal of existing staircase at 72-73 Princes Street;
- Removal of existing staircase at 74-75 Princes Street;
- New feature entrance stair from access point at 1 Hanover Street;
- Removal of internal walls and installation of additional internal partition walls associated with reconfiguration of internal floorspace at 74-75 Prince Street;
- Infill of existing internal openings to neighbouring retail unit to provide separation between the proposed development and neighbouring uses;
- Provision of new internal steps to accommodate changes in level between existing floor slabs.

Scheme 1

The original scheme proposed less conservation style windows.

Supporting Information

- Design and Access Statement;
- Energy and Sustainability Statement;
- Heritage Statement and Addendum;
- Planning Statement.

Relevant Site History

23/06881/FUL

72 - 77 Princes Street & 1 - 5 Hanover Street

Edinburgh

EH2 2DF

Redevelopment of existing floorspace for serviced apartment use including associated alterations and extensions.

Other Relevant Site History

30 August 2019: Application granted for conversion of unoccupied floorspace back to residential use and creation of rear/upper level amenity space. (Ref: 17/04601/FUL).

30 August 2019: Listed Building Consent granted for conversion of unoccupied floorspace back to residential use and creation of rear/upper level amenity space. (Ref: 17/04602/LBC).

9 June 2015: Application granted for change of use from mixed use (retail/ office) to residential accommodation forming 3 flats. (Ref: 15/00474/FUL).

Neighbouring property:

13 March 2024: 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. (Ref: 23/06554/FUL).

13 March 2024: Selective demolition and alterations to form hotel and ancillary uses with refurbished commercial units and associated works. (Ref: 23/06565/LBC).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Historic Environment Scotland

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: Not Applicable

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 January 2024

Site Notices Date(s): 28 December 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) within a conservation area, this application for listed building consent requires to be assessed against Sections 14 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- Having due regard to HES Policy and guidance, do the proposals:
 - a) harm a listed building or its setting? or
 - b) conflict with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the proposals do comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for not approving them?
- If the proposals do not comply with HES Policy and guidance, are there any compelling reasons (including but not limited to the public sector equality duty) for approving them?

Assessment

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

a) The proposals harm the listed building or its setting?

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

- Managing Change: Use and Adaptation of Listed Buildings;
- Managing Change: Setting.

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 and the introduction of new build elements that respect and complement the individual listed buildings and surrounding historic environment. 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.

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. Whilst the proposal will have some impact on the setting of surrounding listed buildings, it is considered this impact is negligible and will not be significant.

The existing steel roof structure dates to the 1960's and the first floor window structure wrapping around the elevations at this level are originally from 1910 with later alterations. The applicant states in the Heritage Statement that the roof is not original and has been altered in the past. The external works to the building facade and the roof include a new mansard roof with new dormers. The front wall of this extension is notably set-back from the wall head dormers and the gable chimneys of the adjacent buildings such that its visibility would be very limited. It is considered that the proposed roof arrangement and dormers would not significantly change the form of the existing roof and provide an element of architectural unity.

An additional storey is proposed to part of the development at 72-74 Princes Street, contained within two higher sections of the existing buildings. The front wall is set back from the wall head dormers and the gable chimneys of the adjacent buildings. This is considered acceptable due to the already varied roofline across this elevation and the proposed massing maintaining the historic fall in height from east to west. Visibility of this will be minimal and will not have a significant impact on any existing features.

The existing non-original extension to the rear is proposed to be removed and replaced with a four storey extension, not exceeding the height of the existing buildings. This will be finished in pale brick work on the lower floors and metal cladding on the

uppermost floor. Visibility of the elevation is reduced due to the massing of the existing and buildings located to the north on Hanover Street and Rose Street. The scale and mass of this has been reduced considerably throughout the planning process and is now considered to be an acceptable addition to the listed buildings.

The existing windows (few original) are considered to be in poor condition and would benefit from being upgraded. One historic window has been identified to the attic dormer at 3-5 Hanover Street and would be retained and refurbished. Windows to the street facing elevation will be white painted timber sash and case with one over one configuration mostly. The windows at 3.-5 Hanover Street will be 8 over 2 configuration to reflect the historic significance of the windows on this building. The first floor gallery windows, spanning over Princes Street and Hanover Street will be replaced with conservation style windows, with timber frames to respect the original building.

Internally, there are some original features remaining across the buildings, including stone stairs and some partition walls that survive from the early tenement form. To enable these buildings being brought back into use it is considered that an element of negative effects will occur through the loss of surviving historic fabric.

74-75 Princes Street, the structural condition of the building warrants the removal of internal partition walls and the stair to enable it to be brought back into use. The building has seen a considerable amount of change over a 240 year period. The staircase has been altered from its original state, currently only running from the second to third floor and therefore the historic importance has been reduced.

The proposed internal alterations would remove the existing internal partition walls and replace with new walls to accommodate two apartments at each level and within the rear extension at the first to fourth floor level. This is considered acceptable due to the existing internal layout not allowing an efficient use of space and will not lead to the loss of any internal fabric of heritage value.

72-73 Princes Street is of special interest due to it being a mid to late 19th century commercial building. The unaltered internal plan and decorative features to the front of the building at first floor level, and the access stair contribute to the special interest of the building. The staircase is proposed to be removed. This is considered acceptable due to part of the staircase already having been removed and part behind partitions at first floor level, compromising the historic importance of the staircase.

77-76 Princes Street/ 1 Hanover Street has experienced the most amount of change from its original tenement form. The proposed development will not affect its significance.

3-5 Hanover Street is a good example of a surviving tenement although historic alterations have altered the character and significance, including the substantial alteration of the internal plan form resulting in the loss of original tenement plan form and common stair. Some original features survive in a dormer with original shutters and panelling to first floor windows. The dormer window will be retained and restored. Internal alterations are proposed to be limited to changes to internal walls and stairs with most of the existing form and features being retained.

The Structural Inspection report notes that the changes to walls and floors over the years has compromised the structural integrity of the buildings. The proposed

alterations are considered to not lead to the loss of any internal fabric of heritage value. The proposed extensions are moderate in scale and will rationalise the existing mix of ad hoc extensions of varying architectural quality. The range of materials to be used in the new extensions is appropriately high quality and complementary to the historic construction materials. Most notably the north elevation (rear) will be enhanced as a result.

Conclusion in relation to the listed building

The proposed works will respect and reinvigorate these listed buildings through sensitive adaptation. The re-purposing of the currently under used spaces above ground floor level will contribute positively to the upkeep of these areas.

Due to the restrained scale and appropriate massing, the proposal will not have a detrimental impact on the character or setting of the listed buildings.

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

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

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 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. The proposal reinforces the formal plan form of the first New Town. In terms of the rear elevation, this is of significantly less architectural quality than the facades and the proposals will be of little impact as views of the elevation are limited. The building has been sensitively designed to fit within the existing context of the wider area.

The retention of retail use at ground floor level will continue the tradition of shops that started to emerge after the earliest phases of the First New Town, often within altered and extended ground floor premises.

The location has an important city centre streetscape value and needs careful treatment. Visualisations from agreed viewpoints from key landmarks demonstrate the extent and variety of the existing surrounding roofscape and confirm that the proposal will have a minimal impact on the roofline along Princes Street. Whilst the rooftop extension will be visible from key landscapes, it is modest in scale and design and will not significantly impact on the skyline of the building on this prominent corner within the Conservation Area.

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 will preserve and enhance the character and appearance of the New Town Conservation Area through high-quality design and materials.

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

c) there are any other matters to consider?

The following matters have been identified for consideration:

Equalities and human rights

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

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

Public representations

One objection was received. A summary of this is provided below:

material considerations

- contributes to an incremental degradation of the conservation area - addressed in section b);
- no support for the alteration to the first floor level windows - addressed in section a) and associated FUL application;
- lack of information on proposed window design - drawings have since been updated;
- inappropriate rooftop extension - addressed in section a);
- proposed materials inappropriate - addressed in section a).

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/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, analysis & reporting, conservation, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons

1. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 19 December 2023

Drawing Numbers/Scheme

01-11,12a,13-14,15a,16b,17a-19a,20c,21b,22b-24b,25a

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland

COMMENT: Several aspects would negatively affect the listed buildings, but overall impact has been reduced since pre-app. Understand the proposals would allow positive re-use of upper floors. Overall, do not object, but a more sensitive conservation led scheme could be delivered.

DATE: 2 February 2024

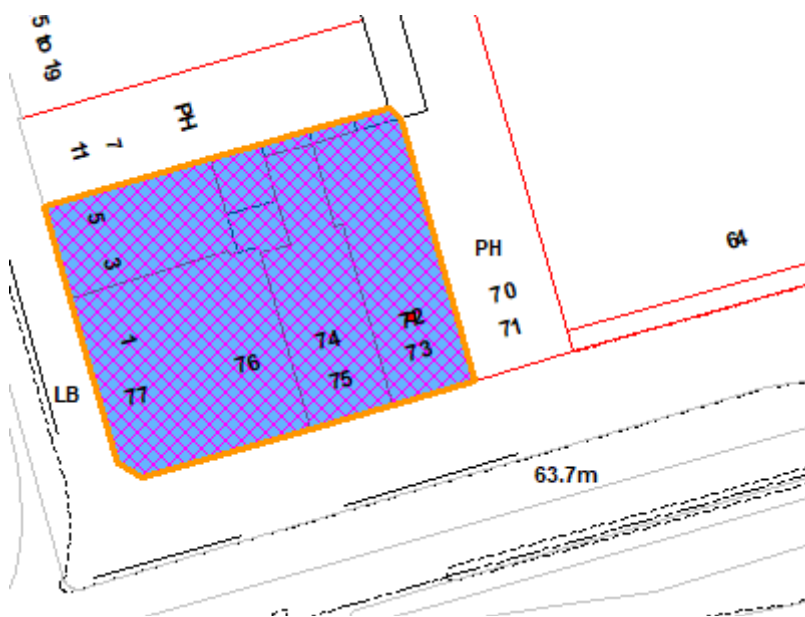
NAME: Archaeology

COMMENT: No objection subject to a programme of archaeological work being undertaken prior to commencement.

DATE: 25 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

Wednesday 17 April 2024

**Application for Planning Permission STL
2F & 3F 7 - 8 Randolph Place, Edinburgh, EH3 7TE**

Proposal: Proposed change of use from class 4 offices to sui-generis self-catering flats for holiday accommodation.

**Item – Committee Decision
Application Number – 24/00653/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 complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use to STL is acceptable with regards to residential amenity, the character of the area, and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters. The application is in accordance with the development plan. It is therefore recommended that the proposal be granted.

SECTION A – Application Background

Site Description

The application site relates to the second and third floor of a building located on the northwestern side of Randolph Place. The properties subject to this application share a communal stair with other properties in use as offices located below the application site.

Randolph Place is of mixed character, featuring both residential and commercial uses as well as a moderate degree of activity during the day and at night. The proximity of the site to the junction of Randolph Place with Queensferry Street and Melville Street results in a significant degree of traffic noise outside the application property. Directly neighbouring the site is a property in use as a restaurant and bar. Public transport links are highly accessible from the site.

The application property is part of a category A listed building, 1-8 (Inclusive nos) Randolph Place, and Randolph Crescent, including railings, with 1, 1A Randolph Lane, LB29602, 14/12/1970.

The application property is in the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The application is to change the use of the second and third floors of the building from offices to form four one-bedroom short term let flats, with associated internal alterations. Access is to be via the existing communal stair onto Randolph Place.

Supplementary Information

Planning supporting statement.

Relevant Site History

24/00654/LBC

2F & 3F 7 - 8 Randolph Place

Edinburgh

EH3 7TE

Alter existing office layouts on second and third floor to provide new holiday accommodation use.

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Consultation Engagement

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 21 February 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 March 2024

Site Notices Date(s): 27 February 2024

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

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

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

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

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: Interiors sets out the principles that apply to alterations to the interiors of historic buildings.

The proposal at second floor level involves internal alterations necessary for the conversion of the second and third floor into two flats each, including the introduction of a wall to subdivide the larger office space at second floor level and alterations to the proportions of the shower, bathrooms and second floor entrance hallway. At third floor level the alterations involve the relocation of walls within the hall and bathroom to enable the change of use.

These works do not result in changes to the building that would impact on the special architectural interest of the building, or any internal features or fittings of heritage interest. Little of the building's original interior fit out remains, having been previously converted to a modern office.

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 listed building or its setting. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

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

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

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

The proposed works do not involve external changes. Consequently, the proposal will not have an impact to the character and appearance of the conservation area. The proposal does not conflict with the objective of preserving or enhancing the character or appearance of the conservation area.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan.

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

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

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

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

The non-statutory Guidance for Business (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.

The Developer Contributions and Infrastructure Delivery Supplementary Guidance is a material consideration when considering LDP Policy Del 1.

Listed Buildings, Conservation Area, and World Heritage Site

The impact on the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above which concluded that this would be preserved.

The impact on the conservation area has been assessed in section b) above which concluded that this would be preserved. The proposed works do not involve external changes. Consequently, the proposal will not have an impact on the outstanding universal value of the world heritage site.

The proposal complies with NPF 4 Policy 7.

Proposed Use

With regards to NPF 4 Policy 1, the operational development proposed is of a scale that its impacts are not significant when considering the climate and nature crises. The proposals will therefore 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 an STL will have regard to:

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

Amenity

The level of activity and patterns of movement created by the proposed short term lets are unlikely to result in an unreasonable impact to neighbour's amenity when considering the high level of ambient background noise in the area, the presence of late night uses in the street and the distance to nearby residential properties.

The proposal complies with NPF4 policy 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

The proposed change of use from office to STL use means there will be no loss of residential accommodation, therefore the proposal complies with NPF 4 policy 30(e) part (ii).

Parking

No parking is proposed. This is in compliance with the standards described in the Edinburgh Design Guidance. No tram contribution is required as the total number of bedrooms to be created falls below the minimum threshold set out in the Developer Contributions and Infrastructure Delivery Supplementary Guidance.

The proposals comply with LDP Policies Tra 2, Tra 3 and Del 1.

Conclusion in relation to the Development Plan

The change of use to STL is acceptable with regards to residential amenity and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and 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

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

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

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

Public representations

No public representations were received in relation to the application.

Conclusion in relation to identified material considerations.

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

Overall conclusion

The proposal complies with sections 64 and 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it will preserve or enhance the character or appearance of the conservation area and does not harm the character of the listed building, its setting, or the setting of neighbouring listed buildings.

The change of use to STL is acceptable with regards to residential amenity and will not result in a loss of residential accommodation, complying with LDP policy Hou 7 and NPF4 Policy 30(e). The application is acceptable with regard to heritage and transport matters. The application is in accordance with the development plan. It is therefore recommended that the proposal be 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.

Reasons

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

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 20 February 2024

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

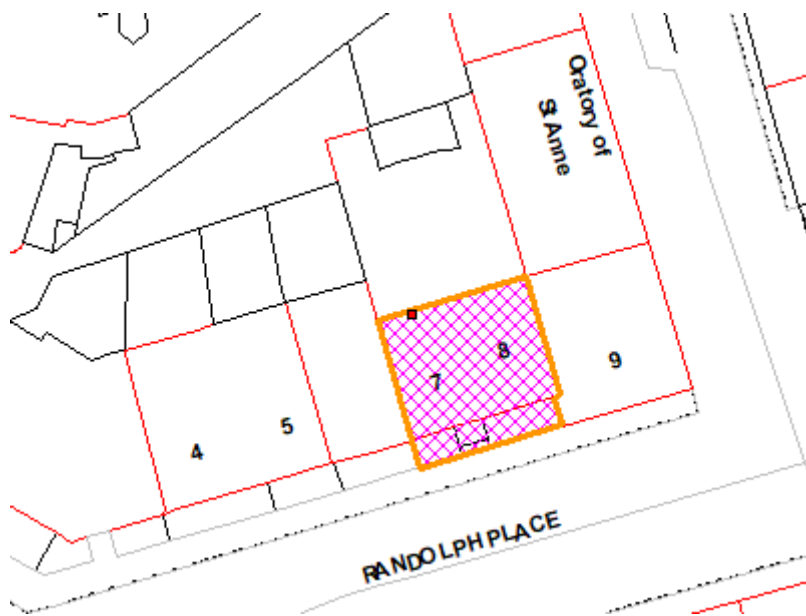
Appendix 1

Summary of Consultation Responses

NAME: Historic Environment Scotland
COMMENT: No comments or objections.
DATE: 21 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 17 April 2024

**Application for Planning Permission STL
43 Thistle Street South West Lane, Edinburgh, EH2 1EW**

Proposal: Change of use from vacant offices to serviced apartments with minor external works.

**Item – Committee Decision
Application Number – 23/04871/FULSTL
Ward – B11 - City Centre**

Reasons for Referral to Committee

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

Recommendation

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

Summary

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

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

There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site comprises vacant offices on the second and third floor of a four-storey building at 43 Thistle Street South West Lane. Access to the property is from Thistle Street South West Lane via a set of stairs. The ground and first floors of the building are in retail use with sales space and rear storage areas. The retail unit has its main entrance from George Street. There is no access to a private or communal garden.

Thistle Street South West Lane is in a mixed-use area with rear entrances to retail uses and garages on the ground floor and a mix of commercial uses and offices above. The property is off Thistle Street which has cafes, restaurants, and bars. In December 2022, planning permission was granted for change of use from residential use to short-term let use for 11 flats at 23 Thistle Street South West Lane. Public transport links are easily accessible from the site.

The application property is a B listed building (LB 28842, dated 20.2.1985). The site lies within the New Town Conservation Area and the Old and New Towns of Edinburgh World Heritage Site.

Description of the Proposal

The change of use will create two serviced apartments. One unit on the second floor will have a floor area of 39.33sq m and will comprise a living room, kitchen/dining area, bedroom, and bathroom. The second unit on the third floor will have a floor area of 48.94 sq. m and will comprise a living room, kitchen/dining area, one bedroom and bathroom.

A new timber door will be installed on the ground floor of the front elevation to serve the new serviced apartments only. A small window adjacent to the main door will be refurbished. Ten windows on the second floor and ten windows on the third floor will be refurbished and new double-glazed sashes installed. Two rooflights at third floor level will be blocked up internally and refurbished. Listed building consent was obtained for these works on 20.11.2023 (planning reference 23/04872/LBC)

Supporting Information

Design Statement.

Relevant Site History

23/04872/LBC

43 Thistle Street South West Lane
Edinburgh
EH2 1EW

Internal and external works to facilitate use as serviced apartments.

Granted

20 November 2023

16/06236/FUL

43 Thistle Street South West Lane
Edinburgh
EH2 1EW

Change of Use from Office to Residential including replacement windows and addition of 4 conservation-style rooflights.

Granted

7 March 2017

16/06235/LBC

43 Thistle Street South West Lane
Edinburgh

EH2 1EW
Conversion from Existing Office to Residential including internal alterations,
replacement of windows and addition of 4 conservation roof-lights.
Granted
16 March 2017

04/02043/FUL
43 Thistle Street South West Lane
Edinburgh
EH2 1EW
Change of use from office to maisonette
Granted
27 August 2004

Other Relevant Site History

22/01780/FUL
22/01781/FUL
22/01804/FUL
22/01785/FUL
22/01794/FUL
22/01798/FUL
22/01675/FUL
22/01679/FUL
22/01683/FUL
22/01688/FUL
22/01691/FUL.

Change of use from residential to short term let use at flats 1-11 23, Thistle Street
South West Lane.
Granted 07.12.2022.

Pre-Application process

There is no pre-application process history.

Consultation Engagement

No consultations undertaken.

Publicity and Public Engagement

Date of Neighbour Notification: 19 October 2023
Date of Renotification of Neighbour Notification: Not Applicable
Press Publication Date(s): 27 October 2023
Site Notices Date(s): 24 October 2023
Number of Contributors: 0

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.

The proposals will not have an adverse impact on or cause harm to the listed building. New double-glazed sashes are proposed to the existing windows, and these will be like-for-like to match existing. Narrow profile double glazing with a cavity of 6mm between two 4mm panes is proposed in accordance with Council guidance. The setting of the listed building and the setting of neighbouring listed buildings will be unaffected by the proposals.

Conclusion in relation to the listed building

The proposal harms neither the listed building nor its setting. It is therefore acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

"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.

The proposed external changes at the property are minimal. The impact on the appearance of the conservation area is acceptable. The proposal will not have a negative impact on the character and appearance of the conservation area.

Conclusion in relation to the conservation area

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

c) The proposals comply with the development plan.

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

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

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

The non-statutory 'Guidance for Businesses' (2024) is a material consideration that is relevant when considering change of use applications.

Listed Building and Conservation Area

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

Proposed Use

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

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

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

Amenity

The application property has its own main door entrance leading to a hallway and stairs rising up to second and first floor level from Thistle Street South West Lane. There is an emergency door from the retail unit at first floor level. This leads to the aforementioned stairs, hallway, and main door, but would only be used in an emergency.

The character of Thistle Street South West Lane, although in the heart of the city centre is relatively quiet. The main uses are rear accesses for retail units and restaurants on George Street and Thistle Street, garages, and offices. There are no residential properties within the vicinity of the application site. Eleven properties in one block at number 23 Thistle Street South West Lane have obtained consent for short term let use. Consequently, introducing a STL use in this street would not have a materially detrimental impact on the living conditions of nearby residents.

In these circumstances the STL use is acceptable, and the proposal complies with NPF 4 30(e) part (i) and LDP policy Hou 7.

Loss of residential accommodation

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

The property is currently vacant offices. Planning consent was obtained to change the use of the application property from office use to a two-bedroom maisonette flat on 7 March 2017. This consent was never taken up and the current use remains as offices. Therefore NPF 4 policy 30 (e) part (ii) is not applicable to this application.

Car Parking

There is no off-street car parking available within the site. The site is accessible by public transport. There are no cycle parking standards for STLs. Bikes could be parked within the property if required. The proposals comply with policies Tra 2 and Tra 3.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

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

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

Public representations

No representations have been received.

Conclusion in relation to identified material considerations.

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

Overall conclusion

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

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

There are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions

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

Reasons

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

Informatives

It should be noted that:

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

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 25 September 2023

Drawing Numbers/Scheme

01-06, 07A.

Scheme 1

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

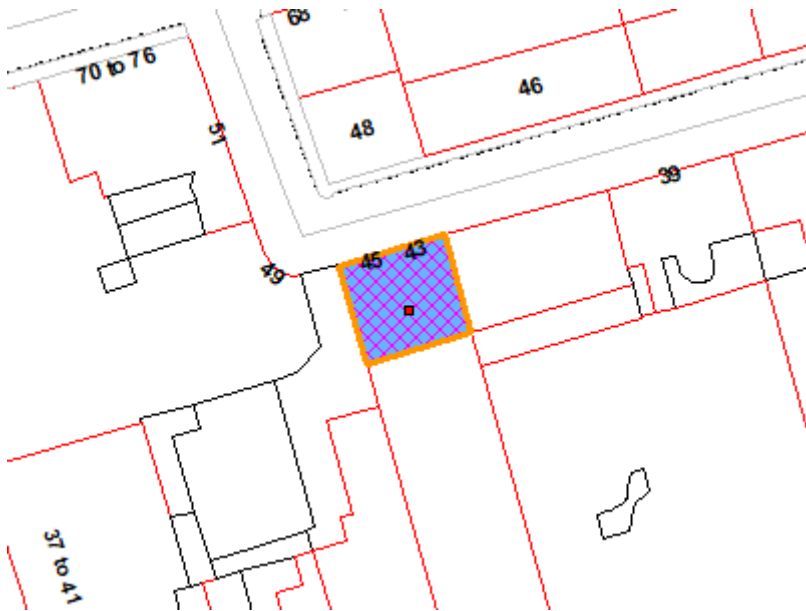
Contact: Lesley Porteous, Planning Officer
E-mail: lesley.porteous@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

No consultations undertaken.

Location Plan



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Development Management Sub-Committee Report

Wednesday 17 April 2024

**Application for Planning Permission
5 Winton Drive, Edinburgh, EH10 7AL.**

Proposal: Erection of a 48 bed care home development, including landscaping, access and associated works.

**Item – Committee Decision
Application Number – 23/07334/FUL
Ward – B08 - Colinton/Fairmilehead**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because it has received 177 objections, and the application is being recommended for grant. 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

Overall, the proposal complies with NPF4 and the Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20-minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity. The impact on trees will be mitigated through the use of conditions relating to tree removal, new tree planting and TPO trees. Therefore, the application is acceptable. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is located on the corner of Winton Drive and Winton Loan, off Frogston Road West near Fairmilehead crossroads. The 0.46ha site slopes gently downwards to Winton Loan. It comprises a detached dwellinghouse dating from 1930s and its extensive garden ground. There is a stone boundary wall along Winton Drive and part of Winton Loan with the rest of Winton Loan frontage being a lower render wall with timber fencing on top. Trees and some large shrubs are found parallel along the boundary.

Trees on the north and east of the site have been felled. Several remaining trees are protected by Tree Preservation Orders (TPO 7). Two vehicular accesses exist: one on Winton Drive and one on Winton Loan.

The street and immediate surrounding area are residential. Opposite the site to the south is a woodland area on Winton Loan and beyond that farmland and then the City Bypass. The wider surrounding area is predominantly residential with some other uses, such as place of worship, class 2 uses (spa/wellbeing) and offices. To the south and east lies Morton Mains Conservation Area and Edinburgh Green Belt.

Description of the Proposal

The proposal is to demolish the dwellinghouse and build a 48-bedroom care home. It will be two storeys high plus both an attic level and lower ground floor/basement, be positioned on the eastern side of the plot and form an L shape. There will be associated parking located outside at ground level and in the basement and an external courtyard at lower ground floor. Landscaping is proposed for the grounds including along the boundaries.

Ancillary cafe facilities, which will have direct access to the courtyard, a salon and a cinema will be located in the lower ground floor as will the plant, servicing such as laundry and kitchen and staff rooms and offices.

Each upper floor level will have communal areas, such as dining rooms, day rooms and quiet rooms, in addition to bedrooms. On the ground floor there will also be a combined reception and visitor's lounge. The dining rooms will have access to a terrace. The top floor will be within the roofspace which will incorporate dormers.

Photovoltaic panels will be installed in the roof wells of the mainly flat roof. Extract ducts and ventilation and rooflights are also proposed on the roof.

Materials proposed are buff sandstone, buff smooth face stone surrounds, ivory smooth textured render, brown weatherboard cladding light grey, concrete roof tiles, uPVC anthracite grey framed windows/doors, rosemary coloured roof tiles, white uPVC fascia and soffits, anthracite grey uPVC gutter and downpipes and glass balustrade.

Access will be from Winton Drive and egress to Winton Loan. A pedestrian entrance from Winton Loan is also proposed. Parking will be provided in the lower ground floor (basement) for 8 vehicles, 8 cycles, 2 motorcycles and 1 mobility scooter.

Access will be by a ramp. Four parking spaces including a disabled Persons Parking Space will be provided outside at ground level. Two electric vehicle charging points will be provided including one at a disabled persons parking space.

A bin store will be located outside near the entrance to the site.

Supporting Information

- Design and Access Statement
- Planning Statement
- Historic Environment Desk-Based Assessment
- Care Home Demand and Demographic Report
- Transport Statement
- Report on Site Investigations
- Arboricultural Assessment (Addendum March 2023)
- Arboricultural Report (BS5837 03_22)
- Tree Survey Schedule (Appendix 2 23_03_22)
- Landscape and Visual Appraisal
- Ecology (Preliminary Ecological Appraisal) Report
- Species Protection Plan
- SUDS and Drainage Strategy Report
- External Luminaire Schedule
- Energy Report
- EPC (Energy Performance Certificate)
- Care Home Specification Information (SBEM - Simplified Building Energy Model)
- Construction Environmental Management Plan
- Health and Safety Information
- Demolition Prior Approval (23/06846/PND)

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

Relevant Site History

22/02335/FUL

5 Winton Drive

Edinburgh

EH10 7AL

Demolition of the existing building and erection of a 62-bed care home with associated parking and landscaping.

Refused

15 December 2022

23/05997/PND

5 Winton Drive

Frogston

Edinburgh

EH10 7AL

Prior Notification for Demolition of Buildings

Refused

1 November 2023

23/06846/PND
5 Winton Drive
Frogston
Edinburgh
EH10 7AL
Prior Notification for demolition of vacant dwelling house
Approved
13 December 2023

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Flood Planning

Economic Development

Roads Authority (Transport Planning)

Archaeology

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 21 December 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 5 January 2024

Site Notices Date(s): 28 December 2023

Number of Contributors: 197

Section B - Assessment

Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals comply with the development plan?

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

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 9, 12, 13,
- NPF4 Liveable Places policies 14, 15, 16, 18, 22
- LDP Housing policies Hou 10, Hou 7,
- LDP Design policies Des 1, Des 3, Des 4, Des 5, Des 9
- LDP Environment policies Env 12, Env 21
- LDP Transport policies Tra 2, Tra 3, Tra 4

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering policies relating to design, the environment and transport.

Principle of Development - Proposed Use

NPF4 Policy 16 (Quality homes) intent is to encourage, promote and facilitate 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. Part c) supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This includes housing for older people such as care homes (part c) vi). The proposal will introduce accommodation for older people locally and will provide more choice and contribute to the changing needs of the [local] population.

LDP Policy Hou 10 (Community Facilities) seeks to ensure that housing developments go hand in hand with the provision of a range of community facilities when this is practicable and reasonable in order to foster community life. Whilst this is an established area of housing, the aim of the LDP plan is to create sustainable communities. The provision of a local care home is an important function within a community and relatives should be able to walk or cycle to see their relatives in care homes. The proposal is compatible with the objectives of LDP Policy Hou 10.

The intention of LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) is to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas. A care home will provide residential accommodation on a current residential site in a residential area and, as such, is a compatible land use. Although it will be commercial in terms of staffing and providing on site facilities, these will be required for the residents. Whilst the care home could be viewed as a change of use to commercial, residents will be living on the site, and this is acceptable in a residential area.

By re-using previously developed land the proposal will contribute to NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) which seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. The acceptability of the demolition of the building on the site has been established in 23/06846/PND and no further consideration of the demolition is required.

The proposal complies with NPF4 Policies 16 and 9 and with LDP policies Hou 10 and Hou 7.

Climate Adaptation and Mitigation

NPF4 Policy 1 (Tackling the climate and nature crises) intent is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis. NPF4 Policy 2 (Climate mitigation and adaptation) intent is to encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Sustainability

The proposal will reuse a previously developed site and reduce the need for greenfield development, in line with NPF4 Policy 9 (Brownfield, vacant and derelict land, and empty buildings). It will also use the land more efficiently by increasing the amount of living accommodation on the site.

Flood Planning

NPF4 Policy 22 (Flood risk and water management) intent is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

LDP Policy Env 21 (Flood Protection) seeks to ensure that a development does not result in increased flood risk for the site being developed or elsewhere.

Flood Planning has advised that this application can proceed to determination, with no further comments from CEC Flood Prevention. Therefore, there are no flood risk or water management issues.

Energy

Renewable energy and non-fossil, i.e. low carbon technologies, fuel energy are proposed in the form of Water Source Heat Pumps (WSHPs) and solar panels. The replacement building will be much more sustainable and energy efficient than the former building due to better thermal build and energy efficiency. This will contribute to the sustainability of the proposed development and to mitigating climate change through adaptation and mitigation, for example preventing air pollution from energy sources.

The proposal will contribute to climate change and adaptation and complies with NPF4 Policies 1, 2, 9 and 22 and with LDP Policy Env 21.

Historic Assets and Places (Conservation Area Setting and Archaeology)

NPF4 Policy 7 (Historic Assets and Places) intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Setting of Conservation Area

The application site is on the approach to Morton Mains Conservation Area and as it is not within the conservation area, an assessment in relation to the statutory tests of Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 is not required.

Part d) of NPF4 Policy 7 states that, "Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include :-

- i. architectural and historic character of the area;
- ii. existing density, built form and layout and
- iii. context and siting, quality of design and suitable materials.

The general principles set out in the Listed Building and Conservation Area non statutory guidance do not specifically include reference to the setting of the conservation area. However, they provide an appropriate guide in terms of the impact a development may have on the character and appearance of the conservation area. It states that interventions need to be compatible with the historic context, not overwhelming or imposing.

The site used to be part of the Morton House Estate and Winton Loan formed the main entrance to this estate. Trees belts/ woodland flanked this lane on either side and some of these trees still exist today. The woodland opposite the application site is included in the conservation area boundary. Some clearance of trees and shrubs have taken place on site. Some trees along the southern boundary fronting Winton Loan will remain in place with new trees being replanted.

Much of the proposed building will be screened behind the trees, although the access opening will enable views into the application site. To ensure sufficient screening of the building in order to retain the leafy and tree-lined character of the approach to the conservation area, a condition is recommended in relation to the landscape plan. Together with being set into the sloping nature of the site, the building will not be dominant in the streetscene and will not introduce an overbearing feature on the approach to the conservation area. As such, the proposal will respect the historic character of the area on the approach to Morton Main Conservation Area.

The proportion of ground remaining in garden use will reflect that of neighbouring plots where there are residential buildings set in large garden ground, albeit with a larger building footprint. Although there are many examples of Arts and Crafts architecture, there are other architectural styles and periods in the surrounding area and the proposed building will not detract from the architectural style or character.

The proposed development will have a minimal impact on the character of the approach to the conservation area and woodland setting, with the use of a condition to ensure appropriate tree species on the southern boundary fronting Winton Loan. Thus, it will not detract from the special features of the woodland and trees of the conservation area and, as such, will protect an historic environment place.

The loss of trees on the application site is addressed later in this report.

Archaeology

The City Archaeologist has advised that, although no remains have been recorded from the site itself, it is located within a wider area of archaeological significance at Fairmilehead/Caiystane, associated with prehistoric burials and ritual monuments. Ground breaking works could have potential to disturb unrecorded prehistoric remains or evidence relating to the development of Morton Mains Estate. Therefore, it is recommended that a condition be used requiring a programme of archaeological works.

The proposal complies with NPF4 Policy 7, with the use of a condition relating to a programme of archaeological works.

Design Quality and Place

NPF4 Policy 14 intent is to encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

NPF4 Policy 15 (Local Living and 20-minute neighbourhoods) intent is to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Design policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) and Des 4 (Development Design - Impact on Setting).in the LDP aim for developments to create or contribute to a sense of place, incorporate or enhance existing and potential features, have a positive impact on surroundings and be of appropriate design and density.

LDP Policy Des 1 seeks development that will create or contribute to a sense of place and draws upon the positive characteristics of the surrounding area. Whilst the proposed building will have a larger footprint than many of the surrounding buildings, a large amount of garden ground/plot area will remain, and this will allow the spatial pattern of a building in a large plot to be retained in the immediate surrounding area. In terms of the height, this will be bigger than neighbouring buildings. However, making use of the sloping site, incorporating the top storey within the roof, and setting the building back from the corner of Winton Drive and Winton Loan, will result in the proposed building sitting comfortably within the plot and it will not appear dominant in the streetscene. With the use of trees and landscaping along the boundaries this will soften the appearance of the building in the streetscape, and the building will be set back from the corner with Winton Loan.

Whilst the proposed building will contribute towards a sense of place, offering residential health facility, in terms of the individual building as a destination, it will not be located near other local community facilities and, therefore, will not contribute to a sense of place. However, refusing the application on this reason only would be unreasonable. The proposal partly complies with NPF4 Policy 15 in terms of 20 minute neighbourhoods and local living.

LDP Policy Des 4 seeks development to have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views. The policy states that regard will be taken of height and form, scale and proportions, position of the building on the site and materials and detailing. The immediate surrounding area has a semi-rural character with mostly detached villas in large plots. It is not a densely developed area nor has it high buildings. The proposed building will occupy approximately a quarter (25%) of the plot with the bulk of the garden ground being to the west fronting Winton Drive and landscaping around the other sides of the buildings. This is higher than the building to plot ratio in the surrounding area, where the dwellinghouse generally occupies less than 10% of the plot, excluding hard landscaping such as driveways or patios. Taking into account the hard landscaping of the driveways/roads and parking area for the proposed development, this would occupy around 40% of the site. Whilst this ratio is greater for the proposal compared to surrounding properties, the plot size is larger and a large area of garden ground (60%) will be provided. In this context, the spatial pattern of development of the surrounding area will not be adversely affected.

Materials and proposed boundary treatments as detailed in the submitted drawings are acceptable. The positioning and design of the bin store are acceptable.

The proposal draws upon the positive characteristics of the surrounding area and is of an appropriate design which will preserve the character and appearance of the area. Tree planting and landscaping will retain the amenity and character of streetscape. The proposal will contribute to the established character of the streets and surrounding area. Retaining mature trees and incorporating new tree planting retains and enhances the existing features (trees) on the site.

Given the site's proximity to the green belt, an historic garden and designated landscape site, a Special Landscape Area and open space (other Semi-Natural Green Space) it has a rural feel. The positioning and relationship of the building to the streetscape, including screening from tree planting, will enable the proposed development to preserve the qualities of such LDP policy designations in relation to the nearby countryside and accord with NPF4 Policy 4. Mature trees are important to the visual amenity and established character of the site, street and surrounding area.

A Landscape and Visual Impact Assessment was submitted in support of the application. The site is enclosed with visual containment provided by existing and proposed new trees, the woodland opposite and trees outwith the site. Although the site has to some extent been compromised by trees being felled, the existing and proposed trees will provide an appropriate setting for the building in both short and long views.

The positioning of the application site in an area already built up with houses and sitting on a slightly sloping site, is not expected to result in the loss of a public view from the Pentlands to the City nor from the City to the Pentlands.

On the whole the proposal accords with NPF 4 Policies 14, 15 and 4 and with LDP Policies Des 1, Des 3 and Des 4.

Trees, Natural Environment and Biodiversity

Trees

NPF4 Policy 6 (Forestry, woodland and trees) intent is to protect and expand forests, woodland and trees.

LDP Policy Env 12 (Trees) aims to prevent damaging impact of development on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention and LDP Policy Des 3 (Incorporating and Enhancing Existing and Potential Features) seeks to incorporate or enhance existing characteristics and features worthy of retention on the site.

Trees on the western side of the site are protected by a Tree Preservation Order (TPO 7). A tree survey has been submitted and to ensure there is no impact on trees and to mitigate any impact on trees, conditions are recommended requiring a Tree Protection Plan & Arboricultural Method Statement.

There is a concern regarding the condition of the TPO trees and their future in terms of the closeness of the building to the root protection areas (RPAs). Therefore, conditions are recommended requiring an Arboricultural Method Statement and the protection of trees on site during construction. In addition, given the concern of the condition of the TPO trees and the possibility that in the future they may need to be removed, a condition is recommended should permission be granted that the proposed removal of any TPO trees be the subject to a TPO consent. Their loss would expose the development along both Winton Drive and Winton Loan and it would take many years before any new replacement trees would provide the same level of visual screening.

Biodiversity

NPF4 Policy 3 (Biodiversity) intent is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Biodiversity on the site has been compromised with the site clearance works and felled trees and shrubbery which has taken place in the last six months or so. Biodiversity from the proposed landscaping, such as bird feeders, and new tree planting will re-introduce biodiversity opportunities and offset the loss. The proposed condition recommended for landscaping plan should also include biodiversity enhancements from the proposed planting and landscaping. It is also recommended that informatives be placed on the permission, should it be granted, relating to bee bricks and swift bricks.

Natural Environment

A Bat Survey will be carried out in relation to the demolition of the building (23/06846/PND). Should bats or other European protected species be found in the wider application site in terms of works for the proposed development, the Habitats Regulations 1994 will require the applicant to carry out the works under a bat licence (Bat Low Impact Licencing (BLIMP)). Therefore, an informative is recommended should planning permission be granted relating to European Protected Species licence, or a Bat Low Impact Licence, and a statement from Nature Scot in order to protect the ecological interest. This would contribute to NPF 4 Policy 4.

The proposed landscaping and retention of existing trees will retain biodiversity and wildlife on the site. It is accepted that a loss of biodiversity has occurred due to the demolition of the house and non-operational development to clear and tidy up the application site. Both the proposed tree planting and landscaping will provide habitat for species and, thus, enhance biodiversity. Incorporating the existing feature of the trees and enhancing the features of trees with new planting is in line with NPF4 Policy 3 and LDP Policy Des 3.

LDP Policy Des 9 (Urban Edge Development) seeks to include landscape improvements proposals that will strengthen the green belt boundary and contribute to multi-functional green networks by improving amenity and enhance biodiversity. Natural environment and Biodiversity enhancements to the proposed landscaping are recommended using native planting to provide and enhance the habitat for species. A condition is recommended to require a suitable landscape plan and planting schedule, should planning permission be granted. The positioning of the building and use of trees to retain the leafy setting will not detract from the green belt boundary.

Use of appropriate lighting is required for the development and a lighting strategy has been provided. The site in its current condition creates a natural dark space beneficial to nocturnal species such as bats due to the boundary of woodland and unlit grounds. Artificial lighting can often impact the foraging and commuting behaviour of nocturnal mammals such as bats. Therefore, it is recommended that a condition be attached to any forthcoming permission relating to times during which the lighting is on should be limited to provide some dark periods.

The proposal, with the use of conditions, will comply with NPF4 Policies 4 and 6 and with LDP Policies Env 12 and Des 9.

Amenity

LDP policies Hou 7 (Inappropriate Uses in Residential Areas) and Des 5 (Development Design- Amenity) aim to ensure that developments do not have a materially detrimental effect on the living conditions of nearby residents and do not adversely affect neighbouring amenity in relation to noise, daylight, sunlight, privacy or outlook. LDP Policy Des 5 also aims to ensure future occupiers have a sufficient living environment.

Environmental Protection has no objections to the application and, therefore, has not raised any concerns in terms of impact on amenity.

Neighbouring Amenity

Most of the overshadowing will fall within the application site and there will not be a loss of daylight to neighbouring windows. A Sun Path Analysis shows that some overshadowing will occur to neighbouring properties. However, sunlight will still be received into neighbouring gardens and is within the limits advised in the EDG.

Rooms on the upper floors of the north and east elevations will look out towards neighbouring properties. The windows will be just under 9 metres from neighbouring boundaries and more than 18 metres from windows opposite, which is the minimum distance required from window-to-window to protect privacy of existing neighbouring properties. Immediate outlook from neighbouring properties will not be adversely impacted as the building will not be very close to boundaries. Private views are not protected by LDP policies. Proposed tree and shrub planting along the northern and eastern boundary will provide an element of privacy screening to neighbouring properties.

Activity to, from and within the site will be greater than is currently experienced or if the site remained in residential use. It is acknowledged that this could include an increase in noise from the proposed use on the site. However, other legislation is responsible should noise nuisance occur.

Environmental Protection has not raised concerns regarding odours.

The proposal will not have an unreasonable impact on neighbouring properties and, therefore, complies with LDP Policies Des 5 and Hou 7.

Amenity of future occupiers

The Edinburgh Design Guidance advises that attention should be paid to the orientation of care homes and long-term residential homes. Residents should be able to access a garden space that is attractive, welcoming, well-lit by natural light throughout the year, and which allows a circuitous walking route to be created.

The provision of a care home is not subject to the minimum floor space standard as contained in the Edinburgh Design Guidance.

Outdoor open space will be provided to future occupiers in the form of landscape gardens, a courtyard, patio areas and terraces. Some overshadowing of the open space will be experienced from the trees to the west and woodland to the south but there will still be sufficient outdoor space for future residents.

Rooms will be for single occupiers and will be single aspect. Most will have an open outlook such as over the care home's landscaped gardens, public street or the woodland opposite to the south.

Communal areas for residents are also proposed such as quiet rooms, day rooms and dining rooms/cafes.

A sufficient living environment will be provided and, therefore, the proposal complies with LDP Policy Des 5 in terms of amenity for future occupiers.

Transport, parking and road safety.

NPF4 Policy 13 (Sustainable Transport) intent is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

LDP Policies Tra 2- Tra 4 set out the requirement for private car and cycle parking. The Edinburgh Design Guidance sets out the parking standards.

The Roads Authority (Transport Planning) has no objections subject to appropriate conditions and informatives as appropriate relating to a Travel Plan, Disabled Persons Parking Places, access points, gates/doors, porous hardstanding, footway crossings, It has not raised any road safety concerns. Should the introduction of waiting restrictions or parking zones be requested or required, this can be considered at a later date under the relevant legislative regime.

It advises that the proposed 8 cycle parking spaces, 2 motorcycle spaces and 12 car parking spaces (including 1 disabled and 2 electric vehicles charging points) are considered acceptable. Mobility scooter parking (one space) is also being provided. The internal manoeuvrability for the underground parking area is the responsibility of the applicant, developer, or operator.

Due to shift patterns and based on information from other care homes operated by the applicant, the 12 car parking spaces proposed would be required for the operation of the care home. Public transport is available on Frogston Road West with frequent service 11 to city centre and 400 to airport via Gyle.

Environmental Protection has not raised any issues regarding road traffic noise.

Therefore, there are no transport, parking, or road safety issues.

Waste

NPF4 Policy 12 (Zero Waste) intent is to encourage, promote and facilitate development that is consistent with the waste hierarchy. Private contractors will be used for waste collections, and it is the responsibility of the applicant/developer/operator to ensure that the waste strategy complies with the relevant legislation.

Infrastructure

NPF4 Policy 18 (Infrastructure) intent is to encourage, promote and facilitate an infrastructure first approach to land use planning, which puts infrastructure considerations at the heart of placemaking.

No developer contributions are required.

Conclusion in relation to the Development Plan

The proposal overall complies with NPF4 and Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20 minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

The proposal will provide the opportunity for local people to live in the care home locally and this will enable families to visit more easily. Future residents will have a satisfactory living environment. They will also benefit from in-house facilities such as a cinema, salon and communal spaces both inside and outside. This will enable social mixing to take place.

Costs of care in the home cannot be set by the planning authority.

Public comments have raised the impacts on the enjoyment of their gardens and quality of life in terms of mental health and wellbeing. There will be some impact on neighbouring properties, such as overshadowing and some sunlight will be lost from a garden growing area, and it has been concluded in section a) that this is within acceptable limits of the EDG. The feeling of being overlooked was also raised in the public comments. New windows will create overlooking. They will be set back from the adjoining boundaries by just under 9 metres. An increase in activity on the application site will occur and could include increase noise emitted from the site.

Lighting will be installed, and this will affect the current situation where neighbouring properties look onto a site which is in darkness. Mitigation can be taken using the recommended condition relating to a lighting strategy.

Personal safety, for example for walkers, was also raised in the public comments. The public streets are lit, and lighting will be installed on the application site and there are footpaths along both frontages of the site on Winton Drive and Winton Loan.

No equalities or human rights issues have been raised that outweigh the recommendation to grant planning permission and, therefore, refuse planning permission.

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

177 objections, 20 support comments.

A summary of the representations is provided below and are addressed in sections a) and b):

material considerations

- principle of development - recognise need for care homes; commercial; classification of brownfield land.
- demolition - unjustified; impact on environment *Principle of demolition established in 23/06846/PND.*
- impact on roads infrastructure/ insufficient / unsuitable road infrastructure - vehicles and pedestrians.
- impact of one-way road - servicing; staff movements.
- increased traffic and traffic congestion; traffic noise.
- lack of parking; need for waiting restrictions/parking zone. manoeuvrability of vehicles in underground car park.
- impact on safety - of horse riders/pedestrians/cyclists.
- increased pedestrians/walkers.
- impact on wildlife and protected species; loss of habitat.
- impact on conservation area and its setting.
- impact on trees/woodland - roots; construction impacts on trees; loss of trees; tree report should be updated.

- impact on climate.
- impact on character of area -of semi-rural street/ residential/quiet street; on setting; contrary to Des 4 - Impact on Setting.
- contrary to LDP policy Des 1 - does not contribute to a sense of place and does not reflect positive characteristics of the area.
- landscape setting of greenbelt contrary to Des 9 - Detracts from the semi-rural character/landscape setting of the green belt.
- impact on Special Landscape Area.
- building too large/out of keeping/not in character/out of proportion;/be dominant; contrary to LDP policy Des 4 - scale and massing.
- contrary to Des 3 - overlooks the enhancement of natural features.
- contrary to Hou 4 - density; degrades spatial pattern.
- overdevelopment; density; building and plot size ration.
- increased noise and disturbance.
- impact on amenity - residents' quality of life/enjoyment of garden/peaceful area/staffing and servicing of care home; contrary to Des 5.
- social mixing of residents- insufficient internal areas for mixing.
- impact of lighting/light pollution/overspill of lighting; impact on habitat - outlook currently dark at nights.
- overlooking; loss of privacy/direct overlooking of gardens.
- loss of daylighting.
- odours.
- noise - disturb residents; disturb wildlife (in woodland).
- water and waste/drainage.
- potential pollution.
- impact on infrastructure - health care/medical/GP - impact on healthcare infrastructure.
- mental health and wellbeing - impact on gardening re overshadowing.
- impact on personal safety - e.g. walking.
- inconsistencies in plans and drawings. *Sufficient information has been submitted to assess the application.*
- neighbour notification not undertaken correctly/ neighbours not receiving neighbour notification letter. *Neighbour notification was carried out in line with the Development Management Regulations.*
- cost of care.
- demographic information - more scrutiny of data; alignment with needs of community. *Sufficient information has been submitted to assess the application.*

material support comments

- need for care homes; need for care home in area; housing crisis
- economic development - jobs for local community; job creation; construction jobs
- size reduced significantly
- will free up much needed homes in the area
- design - like/good; not see from surrounding trees; scale and mass appropriate; captured surrounding area
- elderly people living in community
- welcome addition to street; fit into street
- will make it leafy along Winton Loan
- safe and tranquil place to stay; outside space

non-material considerations

- loss of view. *Private views not protected in LDP policies.*
- letter from developer to neighbours
- ethics and trust
- construction traffic/disruption/blocking roads/noise/impact on woodland trees
- title deed restrictions
- date application submitted
- food waste - increase rats and other scavenging animals
- gritting of road in winter
- sets precedent for future developments
- reduce re-sale value of property
- should be for private residential
- people wishing to stay in own homes; moving elderly into mass residential facilities now under question - (The Feeley Review February 2021)
- access for fire appliances
- fire hazard of underground car park
- housing shortage
- community engagement
- reduce bed blocking in hospitals; reduce NHS costs

Fairmilehead Community Council

- strong local objection
- accept need for care homes in Edinburgh
- accept principle of care home on the site
- accepts improvement/changes made since previous application
- do not it fully addresses concerns
- contrary to policies in the LDP - Policies Des 1 ,4, 5 and 9; Env 6 and 12; and contrary to NPF4 Policies 7 and 14.
- scale and massing not appropriate
- out of character; dominant and imposing
- introduces commercial use into area
- inaccuracies in Planning Statement - re: accesses
- Impact on the surrounding area, and on the setting and boundary of the Morton Mains Conservation Area
- character of the neighbourhood is semi-rural and secluded.
- impact on tree-lined approach to conservation area
- adverse impact on special qualities of conservation area
- would neither preserve nor enhance its special character, appearance or setting.
- impact on trees - root protection areas; canopies
- transport, parking and road safety - traffic generation; deliveries
- light pollution - suggest lower height light units lights from windows; impact on wildlife - need dark periods
- demolition - does not contribute to conserving and recycling assets in NPF4 Policy 1

- materials from demolition
- waste - location of bins
- impact of construction activities
- woodland on Winton Loan - more dense than shown

Conclusion in relation to identified material considerations

There are no compelling reasons in the other material planning considerations why the application should be refused. The material considerations support the presumption to grant planning permission.

Overall conclusion

Overall, the proposal complies with NPF4 and Edinburgh Local Development Plan, with the use of conditions. The principle of development and proposed design are acceptable. The character of the area and approach to Morton Mains Conservation Area will be retained. The proposal will contribute to local living and a 20 minute neighbourhood. There will not be an unreasonable loss to neighbouring amenity and future occupiers will have a satisfactory living environment. There are no flooding or archaeological issues, with the use of a condition, and there are no transport issues. The proposal will contribute to climate adaptation and mitigation and biodiversity. The impact on trees will be mitigated through the use of conditions relating to tree removal, new tree planting and TPO trees. Therefore, the application is acceptable. There are no other material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. Prior to commencement of development a fully detailed landscape plan showing new tree planting and native species and incorporating biodiversity enhancements shall be submitted to and approved in writing by the planning authority.

4. Prior to commencement of development a Tree Protection Plan to be submitted to and approved in writing by the planning authority and shall be erected before any construction works commence and will remain in place for the full duration of the development work and will not be moved without written agreement from the planning authority. The Tree Protection Plan shall show the location of tree protection fencing accurately shown on the map, the specification for the fencing and a statement that the area within the fencing is the Construction Exclusion Zone and will not be used for any activity, including storage or foot access, for the full duration of the works.
5. Prior to the commencement of development, an Arboricultural Method Statement shall be submitted to and approved in writing by the planning authority to agree how the works are to be undertaken within the Root Protection Areas (RPAs).
6. Prior to commencement of development, details of the trees to be removed and new tree planting shall be submitted to and approved in writing by the planning authority.
7. Prior to commencement of development, a landscape management plan shall be submitted to and approved in writing by 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 ensure appropriate planting including tree planting and enhanced biodiversity.
4. In order to safeguard protected trees.
5. In order to safeguard protected trees.
6. To ensure only those trees identified to be removed shall be felled and that appropriate new tree planting is undertaken.
7. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

Informatives

It should be noted that:

1. 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 is encouraged to use bee bricks and swift bricks.
4. The applicant should note the following in relation to the proposed access points:
 - the access should be a maximum of 3m wide, be by dropped kerb (i.e. not bell mouth) and be paved in a solid material for a length of 2 metres nearest the road to prevent deleterious material (e.g. loose chippings) being carried on to the road;
 - any gate or doors must open inwards onto the property;
 - any hard-standing outside should be porous;
 - any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits

<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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. 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 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 BS 8300-2:2018 as approved.
7. Should bats or other European protected species be found in the wider application site in terms of works for the proposed development, the Habitats Regulations 1994 will require the applicant to carry out the works under an European Protected Species licence or a bat licence (Bat Low Impact Licencing (BLIMP)) and a statement from Nature Scot in order to protect the ecological interest.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 14 December 2023

Drawing Numbers/Scheme

01-19, 22-25.

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Summary of Consultation Responses

NAME: Flood Planning

COMMENT: Thank you for providing the additional information and responses to our previous consultation response. This satisfies our previous comments. This application can proceed to determination, with no further comments from CEC Flood Prevention.

DATE: 18 February 2024

NAME: Economic Development

COMMENT: Not able to estimate economic impacts associated with care homes.

DATE: 22 February 2024

NAME: Roads Authority (Transport Planning)

COMMENT: No objections to the application subject to conditions or informatives as appropriate relating to:

1. Travel Plan
2. Disabled persons parking places
3. Access points

The proposed 8 cycle parking spaces, 2 motorcycle spaces and 12 car parking spaces (including 1 disabled and 2 electric vehicle charging points) are considered acceptable.

DATE: 26 February 2024

NAME: Archaeology

COMMENT: Site is located within a wider area of archaeological significance at Fairmilehead/Caiystane, associated with prehistoric burials and ritual monuments.

It is recommended that the following condition is attached if permission is granted to ensure that this programme of archaeological mitigation is undertaken:

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

DATE: 4 January 2024

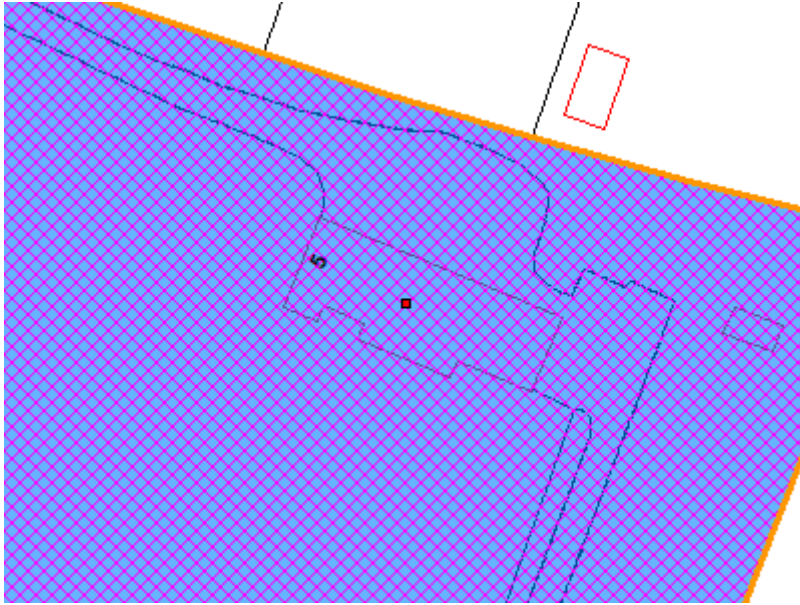
NAME: Environmental Protection

COMMENT: Environmental Protection do not object to the proposed development.

DATE: 7 March 2024

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

Location Plan



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