

Development Management Sub Committee

Wednesday 9 February 2022

**Application for Planning Permission 21/05670/FUL
at Royal Botanic Garden, 20A Inverleith Row, Edinburgh.
Introduction of 3 No. prefabricated cabins and associated
works to provide temporary WC facilities due to the closure
of existing toilet facilities (as amended).**

Item number

Report number

Wards

B05 - Inverleith

Summary

The proposal complies with the Development Plan. It complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It will not be detrimental to the architectural character, setting or historical interest of listed buildings and will preserve the character and appearance of the conservation area. It will have no adverse impacts in terms of the landscape, trees and residential amenity.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN03, LEN06, LEN07, LEN11, LEN12, LEN21, HES, HESSET, NSG, CRPINV,

Report

Application for Planning Permission 21/05670/FUL at Royal Botanic Garden, 20A Inverleith Row, Edinburgh. Introduction of 3 No. prefabricated cabins and associated works to provide temporary WC facilities due to the closure of existing toilet facilities (as amended).

Recommendations

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

Background

2.1 Site description

The application site is on the east side of the Royal Botanic Gardens of Edinburgh (RBGE), around 50m north of the East Gate Lodge. It is around 157 sq.m. in area and is bounded on one side by the public path and the other by planting. It is currently grass and there are no structures on it and no trees within the site.

The RBGE is identified as an Inventory Listed, Historic Garden and Designed Landscape. The site is further included in the Inverleith Special Landscape Area.

To the east of the application site a series of A and B listed semi-detached villas characterise Inverleith Row. Structures on the site include the category A listed Victorian Palm Houses to the north which are two adjoining tall glass houses composed of the octagonal palm house built in 1834 (also known as the Palm Stove) (listed 14 December 1970) (LB ref; 27914) and a later rectangular addition to the west dating from 1859-60. This was listed category A on 14 December 1970 (ref. 27914).

These buildings are linked to the south by two ranges of modernist glasshouses, one running north-south (the Orchid House) and the other east-west (the Front Range). These glasshouses are also category A listed (listed on 4 June 2003, ref. 49216). They are characterised by an external structure of steel cables suspended from a tetrahedral lattice framework, accommodating the associated glazing system.

The Linnaeus Monument, a memorial to Sir Charles Linnaeus, and currently situated to the north of the east-west 1960s range, is an urn designed by Robert Adam in 1778. It was listed category A on 14 December 1970 (ref. 27916).

The category B listed Lecture Hall, classrooms and offices building at 20A Inverleith Row (the Balfour Building) (listed 4 June 2003) (LB ref: 49213) lies at the site entrance on Inverleith Row.

There are other listed buildings on the site including the C listed Head Gardener's cottage at the east gate (reference LB49215, listed 04 June 2003).

This application site is located within the Inverleith Conservation Area.

2.2 Site History

4 November 2004 - Planning permission and listed building consent granted for new visitor facility with studios, exhibition space and biodiversity garden, shop and cafe (application numbers 04/02106/GDT and 04/2016/LBC).

3 February 2010 - Listed building consent granted for alterations to Botanic Cottage to form cafe, offices and reception and alterations to external landscaping, including formal seating area at East Gate (application number 09/02758/LBC).

24 August 2011- Planning permission granted for new glass house (application number 11/0225/FUL).

13 January 2012 - Listed building consent granted for the erection of new Alpine House (application number 11/03873/LBC).

16 January 2012- Planning permission granted for erection of new Alpine House (application number 11/03888/FUL).

29 August 2013 - Planning permission granted for erection of new Botanic Cottage (application number 13/00645/FUL).

3 August 2017 - Planning permission granted for amendment to application number 13/00645/FUL for erection of new Botanic Cottage (application number 17/01129/FUL).

16 January 2019 - Application submitted for construction of Plant Health Suite, Sustainable Energy Centre, multi service trench, oil tanks, landscape works and related infrastructure at RBGE Nursery (application number 18/10304/FUL).

5 August 2019 - Planning permission granted for restoration, improvement and redevelopment of the North East corner of the Royal Botanic Garden. Development comprises works to listed buildings and structures; construction of a new glasshouse, research glasshouses, education building, horticultural support building and associated buildings; landscape works; erection of polytunnels and temporary decent facilities; temporary construction access road; and associated development and demolition (as amended)(application number 19/01068/FUL). Known as BIOMES project.

5 August 2019 - Listed building consent granted for alterations and restoration works to the Victorian Palm houses, the 1967 glasshouses, and relocation of the Linnaeus Monument. Works included the temporary removal of gates and railings at Inverleith Place to facilitate the proposed construction access (application number 19/01069/LBC).

5 August 2019 - Conservation area consent granted for the demolition of the unlisted glasshouses and other unlisted structures (application number 19/01070/CON).

23 April 2021 - planning permission granted for provision of air handling units, ductwork and associated development to serve the Herbarium at Royal Botanic Garden Edinburgh (application number 21/01017/FUL).

11 August 2021 - planning permission granted for formation of paths and associated works at the Royal Botanic Garden Edinburgh to provide continued access through the gardens to mitigate access disruption caused by the construction works / hoarding associated with the Edinburgh Biomes Project (application number 21/03628/FUL).

A number of planning applications have also been granted for a range of temporary installations and structures on site, including those relating to seasonal events.

Main report

3.1 Description of the Proposal

It is proposed to erect temporary toilet facilities. The new WCs are required due to the closure of existing nearby toilet facilities within the gardens that will be closed to the public as part of the BIOMES Project. They will be re-opened when the project is complete.

The toilets consist of three prefabricated cabins - male, female and accessible WC. Each is accessed by a shared raised timber platform via a ramp or steps. They will be clad in Thermawood, a heat-treated Scandinavian Redwood timber with a natural finish.

The cabins will be single storey high and will not be encroach the height of the existing three metre high boundary stone wall.

Although the proposal is termed temporary, the BIOMES project will take 8 years and the toilets will be required for this period.

Supporting Information

- Design Statement
- Supplementary information

These documents are available to view on the Planning Portal.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal will preserve the character and setting of listed buildings in and around the site;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the design, scale and materials are acceptable;
- e) the impact on residential amenity is acceptable;
- f) there are any other material considerations and
- g) any comments have been addressed.

a) Impact on Listed Buildings

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

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

There are no alterations to any listed buildings as part of the proposals.

Setting of listed buildings

Policy Env 3 (Listed Buildings - Setting) states that development affecting the setting of a listed building will be permitted only if not detrimental to the appearance or character of the building, or to its setting.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that 'setting' is the way the surroundings of an 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 new toilets will be situated between the C listed Head Gardener's cottage at the east gate and the unlisted herbarium building to the north. They will not detract from the appreciation of any listed buildings on the site. Outwith the site, the proposals will not detract from the setting of the listed buildings on Inverleith Row. The rear of these villa properties is enclosed with a 3 metre high stonewall screening them from the RBGE. The proposed toilet block is of a modest height of 2.6 metres and located over 9 metres away from the boundary wall.

The proposals will preserve the setting of nearby listed buildings in compliance with Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and policy Env 3 of the LDP.

b) Conservation Area Impact

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.

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

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

The new toilets are located in a discreet location within the gardens and have been designed with a high quality timber finish. In terms of both the character and appearance of the conservation area, they will have a minimal impact.

The proposal complies with policy Env 6 and meets the requirements of Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) Principle of development

The toilets will be for a use ancillary to the main RBGE and are acceptable in principle

d) design, scale and material

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The toilets are well designed in good quality materials in compliance with design policies.

e) Residential amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected.

The design of the facility has also been modified to allow the existing planting of mature shrubs and trees to be retained, providing an effective screen between the block and neighbouring properties, in addition to the 3m high boundary wall. There will be adequate separation distance between the toilets and the neighbouring properties to ensure there are no adverse impacts on amenity.

In terms of noise disturbance, the use of the toilets is sufficiently far from the boundary to prevent any adverse impacts. Users of the toilets will be unable to see into neighbouring properties. They will only be in use when the gardens are open and any light pollution is not expected to be unreasonable. A condition has been applied that the development is for 8 years only and after that period the toilets should be removed.

f) Other material considerations

Royal Botanic Garden Inventory Garden and Designed Landscape

LDP Policy Env 7 states development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value.

The small scale nature and discreet location of the proposals ensures that there will be no adverse impact on the designed landscape.

Inverleith Special Landscape Area

LDP Policy Env 11 Special Landscape Areas states planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas.

The small scale nature and discreet location of the proposals ensures that there will be no adverse impact on the special landscape area.

Trees

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or any other tree or woodland worthy of retention

To create a new toilet facility in the Garden, trenches for water and sewerage would first have to be dug and services installed. In each potential site that the applicant inspected, the trenches would have cut through and severed tree roots, causing irreversible damage. The proposed site will minimise any impact on tree roots as there has historically been a WC in that area and infrastructure connections for drainage and water exist. The building has also been designed with minimal foundations to avoid damaging surrounding trees.

There will be no adverse impact on trees.

Drainage

A drainage system is already in place, but a surface water management plan is the subject of a condition to ensure water run-off is properly managed. Any inspection of the sewer is a matter for Scottish Water.

Scottish Planning Policy

Scottish Planning Policy (SPP) presumption in favour of sustainable development is a significant material consideration due to the development plan being over 5 years old. It sets out 13 principles to guide policy and decisions.

The development is compatible with these policy principles.

g) Public comments

Material comments - objections:

- impact on conservation area and listed buildings - addressed in 3.3a and b)
- toilet block too big - addressed in 3.3 d)
- noise impacts - addressed in 3.3e)
- loss of privacy - addressed in 3.3e)
- drainage - addressed in 3.3.f)
- investigation of other sites - addressed in 3.3 f)

Non-material comments

- smells - this is a matter for Environmental Protection
- light pollution - this is a matter for Environmental Protection
- possible permanent facility - this is not what has been applied for and a condition restricting the time period is applied

- disturbance from other events in the Gardens - this is not a material planning consideration
- toilets in excess of what is required - this is not a material planning consideration
- east gatehouse should be used - this is not what is proposed

Conclusion

The proposal complies with the Development Plan. It complies with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

It will not be detrimental to the architectural character, setting or historical interest of listed buildings and will preserve the character and appearance of the conservation area. It will have no adverse impacts in terms of the landscape, trees and residential amenity.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP). There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions :-

1. Consent shall be granted for a temporary period of 8 years from the date of this consent. The structures shall thereafter be removed and the site re-instated to its current condition
2. A surface water management plan shall be submitted for the further approval of the planning authority prior to the commencement of development and shall thereafter be implemented before the use of the facility.

Reasons: -

1. Due to the temporary nature of the proposals
2. To ensure water run-off is properly managed

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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

The proposal includes a fully compliant accessible WC and meets the requirements of the Equality Act.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Ten objection comments have been received.

Background reading/external references

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

Statutory Development Plan Provision

Date registered	25 October 2021
Drawing numbers/Scheme	01-03, 04A, 05A, 06A, 07A, 08A, 09A, 10, Scheme 2

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Relevant Non-Statutory Guidelines

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

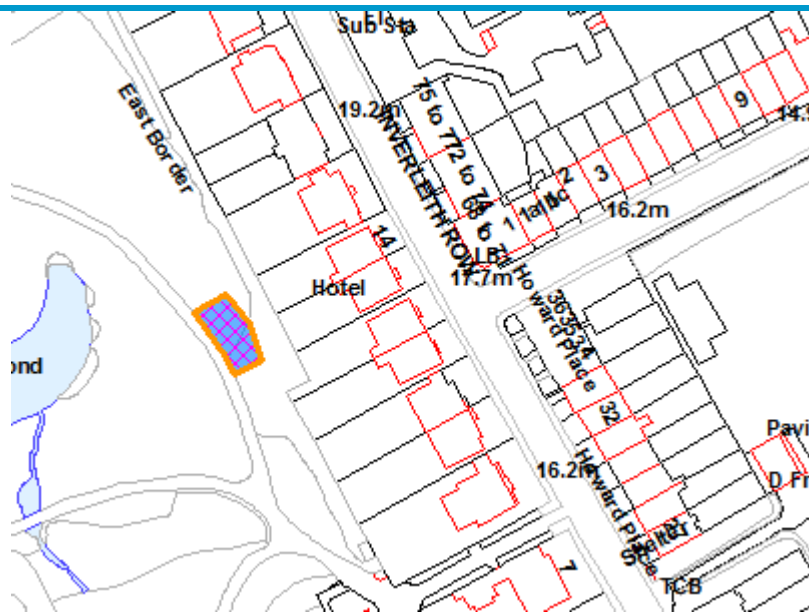
Appendix 1

**Application for Planning Permission 21/05670/FUL
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of existing toilet facilities (as amended).**

Consultations

No consultations undertaken.

Location Plan



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