

Development Management Sub-Committee Report

Report returning to Committee - Wednesday 10 May 2023

Application for Planning Permission

Site east of 94 Nicolson Street, Davie Street, Edinburgh.

Proposal: Partial demolition of the existing retail store and construction of flatted dwellings and associated infrastructure.

Item – Committee Decision

Application Number – 22/01355/FUL

Ward – B15 - Southside/Newington

Report Returning to Committee

This application was granted at the Development Management Sub-Committee on 8 December 2022 subject to a Legal Agreement requiring 25% of the residential units to be affordable housing units. Preparation of the legal agreement is progressing and is expected to reach completion stage shortly.

The application is returning to committee due to NPF4 being adopted by Scottish Ministers on 13 February 2023 which therefore now forms part of the development plan against which the development proposals require to be assessed.

Recommendations

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

SECTION A – Assessment

National Planning Framework 4

NPF4 (2022) is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: Policies 1, 2, 3, 7(a, c, d, e, f and g), 13 (b, c and e), 14 (a, b and c), 15a, 16 (c,e and f), 19, 20, 22c and 23. These are grouped together under the themes of principle, historic environment, local living and quality homes and infrastructure, biodiversity and blue/ green infrastructure.

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. It is to be applied together with the other policies in NPF4.

Principle

Policy 2 Climate mitigation and adaption states development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.

The development proposal will intensify the mix of uses of an existing developed site by increasing its capacity to integrate the existing retail delivery bay use with additional residential uses above. The new building will be built with improved construction standards than the existing delivery bay, will repair the urban form of the block and provide a development form which offers longevity for future use. The proposal is acceptable in principle in this regard.

Historic Environment

Policy 7 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. The NPF4 policies 7a, 7d, 7e, 7f and 7g are very similar to the superseded LDP policies.

The proposal will not detract from the special architectural and historic interest of the adjacent and nearby listed building nor harm its setting and conforms with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997.

The proposal will preserve the character and appearance of the conservation area and conforms to the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. The proposal complies with Policy 7.

Local Living, Quality Homes and Infrastructure

Policy 16f sets out the limited circumstances where development proposals for new homes on land not allocated for housing in the LDP would be accepted. It supports development within existing settlement boundaries, and which promotes 20-minute neighbourhoods, as set out in NPF4 Policy 15. The proposed development is within an established residential area of the city and is within walking distance of facilities such as shops and public transport. It complies with the provisions of policies 15 and 16 in this regard.

The proposal does not include any car parking spaces and meets the LDP requirements for quantity and mix of cycle parking provision. It is compliant with Policy 13 in this regard.

The application is supported with information relating to air quality and noise mitigation measures which meets the requirements of Policy 23.

The development proposal includes provision of 25% affordable housing on site which complies with the provisions of Policy 16e.

Policy 14 seeks to ensure that development proposals improve the quality of an area. The proposed building form will repair the urban fabric of the local area by introducing a tenemental form. The choice of external materials and detailed architectural features of the building are appropriate to the site's townscape and reflect the character and heritage qualities of the surrounding area. The proposal meets the requirements of Policy 14.

The proposal is consistent with the spatial strategy within the Local Development Plan in the urban area and is acceptable in relation to this and in the context of NPF4 policies in this regard.

Biodiversity and blue/green infrastructure

Policy 3c seeks proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity in accordance with national and local guidance. To comply with this policy informatives are included in the consent which require due care to be undertaken in relation to undertaking works during the nesting birds' season and that biodiversity site management mitigation is undertaken as set out in the Preliminary Ecological Appraisal and Bat Assessment submitted in support of the application.

Policy 19f supports development proposals for buildings that will be occupied by people are designed to promote sustainable temperature management, for example natural or passive solutions. The proposal will be constructed to the most recent building regulations including requirements in terms of energy and insulation.

Policy 22 relates to flood risk and water management. The proposal will comply with policy 22c as it has been demonstrated that it will not increase the risk of surface water flooding to others, or itself be at risk, it incorporated SUDS and includes permeable surfaces.

Other Material Considerations

There are no new material considerations arising from those previously considered on 16 March 2022 by this Committee. It is therefore recommended that the application is granted.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

or [Council Papers online](#)

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