

Development Management Sub-Committee Report

Wednesday 4 October 2023

Application for Planning Permission

Development North Of Inchgarvie Lodge, Society Road, Port Edgar

Proposal: Conversion of existing listed buildings to 49 residential units, cafe /restaurant, and serviced apartment.

Item – Committee Decision

Application Number – 22/01987/FUL

Ward – B01 - Almond

Reasons for Referral to Committee

The application is being referred to the Development Management Sub-Committee because the financial sum of the required contributions is of a value exceeding £250,000. 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

The proposed development is within the urban area where residential development is acceptable in principle. The ancillary self-catering and cafe/restaurant use are also considered acceptable in principle given the associated economic benefits they will bring. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable housing as well as numerous offerings of areas of open space. The proposed development of the site by way of conversion provides an attractive residential environment. The proposals include a number of active travel connections as well as education, healthcare and transport contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would retain existing natural buffers on the edge of the site and provide quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

SECTION A – Application Background

Site Description

The 1.70 hectare site is currently developed land within South Queensferry. The site currently comprises several single and two storey B (listed 03/09/2007 ref: LB50988) listed structures which were historically in use as naval barracks and associated servicing buildings during WW1 and more recently the site provided a site compound for the construction of the Queensferry Crossing. The buildings on site have been vacant since 2011 and in minor use as storage for a long period prior to 2011. The structures are in a poor state of repair, with very limited maintenance being in evidence for decades. The site to the north is bounded by the Firth of Forth and underworking's of the Queensferry Crossing. To the west the site is bounded by the foreshore, to the east lies the functioning Marina and to the south lies a tree buffer with residential development located beyond.

The site is approximately 0.8 miles from the existing local shops, leisure and healthcare facilities along South Queensferry High Street. In terms of site access and links to sustainable access routes, the site is bounded by the Firth of Forth Core Path - CEC6 and National Cycle Network Route 76 to the south.

Description Of The Proposal

Full planning permission is sought for conversion of the existing structures on site to provide 49 residential properties, a café/restaurant and single serviced apartment with associated infrastructure, access, and landscaping.

The housing tenure will comprise 49 dwellings for mid-market rent.

Regarding the extent of physical alterations proposed on site, these include predominantly replacement windows across the numerous buildings, and selective internal alterations to facilitate the proposed residential, self-catering and café/restaurant uses. Limited demolition of structures is proposed to achieve an acceptable residential layout and residential amenity. The most significant removals include complete demolition of several single storey buildings present throughout the site which are not considered capable of conversion to a residential use.

Supporting Information

- Air Quality Impact Assessment;
- Site Investigation Report;
- Drainage Strategy and Surface Water Report;
- Design and Access and Planning Statement;
- Ecology Assessment;
- Tree Survey;
- Noise Impact Assessment;
- Sustainability Statement and
- Transport Assessment

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

The application has been screened (22/01987/SCR) for an Environmental Impact Assessment (EIA) and no EIA is required.

Relevant Site History

11/02618/CLP
Land 100 Metres Northeast Of Inchgarvie House
Society Road
South Queensferry

Application for Certificate of Lawfulness for a Proposed Use or Development to create a temporary vehicular access.

Granted

20 September 2011

22/01987/SCR
Development North Of Inchgarvie Lodge
Society Road
Port Edgar
South Queensferry

EIA Screening request re conversion of existing listed buildings to 49x residential units, cafe/restaurant, and serviced apartment.

EIA Not Required

22 September 2023

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

- Scottish Water
- Nature Scot
- Natural Environment Officer
- Edinburgh Airport
- Transportation
- SEPA
- Affordable Housing
- Communities and Families
- Archaeology
- Flood Planning
- Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 2

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: Reuse and Adaption of Listed Buildings
- Managing Change: Windows

Principle of Uses-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings outlined the requirement to ensure listed buildings they have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

The buildings on site have been vacant since 2011 and in minor use as storage for a long period prior to 2011, and are in a poor state of repair, with very limited maintenance being in evidence for decades. In the context of the proposed residential, serviced apartment and café uses for the buildings on site, these are considered to be acceptable and sensitive given the requirement to safeguard the long term future of the listed buildings on site.

Demolition-

Guidance outlined in Managing Change: Demolition of Listed Buildings outlines the key considerations when assessing whether or not the demolition of a listing building is acceptable. These considerations include whether the buildings are no longer of special interest, whether the buildings are incapable of meaningful repair and finally if the demolition of the buildings is essential to deliver significant benefits to economic growth or the wider community.

The extent of demolition proposed on site relates to the demolition of four single storey buildings in their entirety. Of these four buildings, the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation to the Officers' Ward are traditional in nature, with the other two buildings consisting later, non-traditional additions in the form of metal shed like structures one as an extension to building 7 and the other a standalone structure located directly south of building 14 on the eastern site boundary. Limited, selective demolition of three other traditional single storey buildings on site and removal of the non-traditional perimeter security fencing in situ. Selective demolition has been proposed only where absolutely necessary, and only after a review of suitability for conversion to residential use was undertaken across the whole site. The structures proposed for demolition were not deemed capable of conversion to residential use as a suitable residential environment for future users could not be achieved.

Historic Environment Scotland advised in their consultation response on the accompanying LBC application (22/02047/LBC) that the loss of the single-storey service wing to the Barracks (building 5) and the single-storey service accommodation

to the Officers' Ward would have an impact on the character of the complex. However, these are not considered the most significant buildings and, more importantly, there is a recognition that the majority of the buildings on the site are being retained. Historic Environment Scotland therefore advised of no issues with the level of demolition proposed. It should be noted that historic Environment Scotland is not a statutory consultee in relation to the planning application.

In the context of the proposals to safeguard the long-term future of the listed buildings present on site and its associated listing, the extent of full and partial demolition proposed on site is considered acceptable in this instance given the wider benefits associated with retaining and securing the future of the listed buildings. The extent of demolition work will on the whole preserve the setting of the listed buildings to an acceptable standard.

Internal Works-

Internal works do not constitute development requiring planning permission and consideration of such matters are restricted to the related application for listed building consent.

External Works-

Guidance outlined in Managing Change: Windows states "The success of a replacement window will depend on its detailed design, and on how well the new replicates the old. Features to consider in the design of new windows may include the correct placing of the case within the wall and, importantly, its method of operation with vertically sliding sashes. Sections of sash meeting rails and astragal profiles should match the original as closely as possible, and horns should only be provided if there is historical evidence for their use. In seeking the best replication of the design and construction of the window, how astragals hold the glass is important. Therefore, true, or through, astragals should be provided."

In assessing the suitability of the proposed replacement windows the applicant was asked to provide a justification for pursuing uPVC replacements on the majority of the buildings subject to the proposal. Bar the 'West Complex' annotated on the submitted site plan, the applicant advised that all existing window frames are not of a condition capable of repair to produce traditional frames as was in place historically on site. The applicant has however advised that the condition of the existing window openings in the 'West Complex' will be traditional in nature subject to repair work. A condition requiring a detailed methodology statement to be submitted for review and consideration by the Planning Authority prior to development commencing has been included. This condition will allow consideration of all proposed works to the windows in greater detail.

The proposed external alterations including the replacement of the existing windows on site will allow re-use of the existing buildings on site for the uses proposed.

Other Features of Interest-

Guidance outlined in Managing Change: Use and Adaption of Listed Buildings outlined the requirement to ensure listed buildings they have a long term future if society is to benefit from in them in the long-term. Furthermore, keeping a listed building in use has wider benefits. Listed buildings contribute to their wider surroundings and community.

Through positive engagement with the applicant, it is proposed to retain the existing air raid shelter on site, with discussions centred around sensitive alterations to support creation of a children's play feature and integration of display board with a representation and historical explanation. A condition has been attached to obtain further details regarding the retention and reuse of the air raid shelter structure.

The proposed works to retain the air raid shelter as a feature of interest on site are welcomed. The alterations proposed and scope for further discussion and engagement with the Planning Authority will preserve the setting of the listed building to an acceptable standard.

Conclusion in relation to the listed building

The proposal will not impact on the special architectural, historic interest or setting of the listed building and is acceptable with regards to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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, 5, 7, 9, 12,13;
- NPF4 Liveable Places policies 14, 15, 16, 18, 20, 22, 23, 27, 30;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 9;
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 7, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4, Tra 8, Tra 9;
- LDP Shopping and Leisure policy Ret 11;
- LDP Delivery policies Del 1; and
- LDP Environment policies Env 21 and Env 22.

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

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

The LDP Action Programme 2023 and the finalised 'Developer contributions and infrastructure delivery supplementary guidance' August 2018 are material considerations when considering delivery, housing and transport policies.

Principle

Housing-

The site is within the urban area where under policy Hou 1 Housing Development (d) the delivery of housing is a priority, provided proposals are compatible with other policies in the plan.

NPF4 Policy 1 Tackling the climate and nature crises is an overarching policy that states when considering development proposals, significant weight will be given to the global climate and nature crises. The biodiversity enhancements are considered later. The proposed residential development, in the urban area and in line with the LDP strategy is consistent with the global climate challenge in principle.

NPF4 Policy 9 Brownfield, vacant and derelict land and empty buildings encourages, promotes and facilitates the reuse of brownfield, vacant and derelict land and empty buildings, in order to help to reduce the need for greenfield development.

NPF4 Policy 16 Quality Homes states proposals for new homes that improve affordability will be supported. The mid-market housing proposed would help to improve affordability for end users. The proposal is consistent with the spatial strategy of the LDP. Therefore, the principle of residential development is acceptable on this site, so long as other development plan policies are complied with.

Café-

The site is located within the urban area where a mix of uses can be supported, provided proposals are compatible with other policies in the plan.

NPF4 Policy 27 City, town, local and commercial centres encourages, promotes and facilitates development in our city and town centres, recognising they are a national asset.

LPD Policy Ret 11 Food and Drink Establishments states that proposals for a change of use of a shop unit or other premises to a licensed or unlicensed restaurant, café, pub, or shop selling hot food for consumption off the premises (hot food take-away) will not be supported if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents or in an area where there is considered to be an excessive concentration of such uses to the detriment of living conditions for nearby residents.

The proposed café element will be self-contained and located in the north east corner of the site sufficiently separate from the proposed residential blocks so as to protect residential amenity. Furthermore, no cooking odour ventilation is proposed, and the applicant has confirmed the only non-odour producing equipment is proposed for use within the café/restaurant unit and a condition has been included in accordance with this.

Given the site location in the context of South Queensferry High Street and nearby Port Edgar leisure offerings, there would not be an over concentration of Class 3 Uses.

Self-Catering Unit-

The site is located within the urban area where a mix of uses can be supported, provided proposals are compatible with other policies in the plan.

NPF4 Policy 30 Tourism states that communities and places enjoy economic, social and cultural benefits from tourism, supporting resilience and stimulating job creation. Criterion e) of policy 30 expands that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in either an unacceptable impact on local amenity or the character of a neighbourhood or area, or the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

LDP Policy Hou 7 Inappropriate Uses in Residential Areas states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The proposed self-catering unit would provide further economic benefit to the wider area by utilising the historical use of the site, with features such as the prison cell retention considered a conservation gain providing a unique opportunity to re-utilise the vacant building. Additionally, the proposed self-catering unit will be self contained and located in the south east corner of the site sufficiently separate from the proposed residential blocks so as to protect residential amenity.

Flood Risk

Policy NPF4 22 (Flood risk and Water Management) and LDP Env 21 (Flood Prevention) seek to ensure development proposals do not increase the risk of surface water flooding to others or itself be at risk.

The site is partly within the functional floodplain based on the SEPA Flood Maps. This indicates that there is a medium to high risk of flooding to parts of the site from the sea. In light of flood risk poised to the site, extensive consultation with both Flood Planning and SEPA took place as part of the assessment.

The applicant provided a Flood Risk Assessment (2022) which contained several recommendations to mitigate flood risk to the site for climate change. These included the erection of a Wave Return Wall along sections of the site's northern boundary with the Firth of Forth, to defend against the highest future combined water level of 5.5mAOD. The proposed design for the wall takes account of efforts to minimise overtopping. Increased ground levels at sections of the site under the Queensferry Crossing, and in front of the former boiler house will be raised to a minimum of 5.07m AOD, to allow waves to run out and drain back to the sea without spreading to other areas of the site, limiting potential flood risk. Additionally, floor levels within the buildings will be raised to a minimum of 5.07 and 100mm above adjacent external ground levels. The external pedestrian routes will also be raised above adjacent ground levels and landscape areas.

The Council Flood Planning team reviewed the submitted Flood Risk Assessment and advised that they have no objection to the proposal subject to appropriately worded conditions regarding further details on the proposed wave return wall to demonstrate that the development is protected from wave and coastal flooding, and a structural

condition inspection of the existing breakwater by a competent professional as recommended by the submitted Flood Risk Assessment. Several conditions as requested by the Council Flood Planning team have been included.

SEPA reviewed the submitted Flood Risk Assessment as well as additional information provided regarding the lawful planning use of the site as part of the consultation. The clarification provided to SEPA on the lawful planning use of the site as existing, confirmed a use class of 8A - Secure Residential Institutions applicable to the site by SEPA standards.

SEPA subsequently advised that as the proposal is for the conversion of existing buildings, they were satisfied that the proposal would not result in an increase in the overall footprint of the development. SEPA also considered that overall flood risk would not increase given the existing Class 8A designation would enable other (potentially more sensitive) developments in this same location, and the buildings are located in an area partly at risk of coastal flooding.

In issuing their consultation response SEPA advised that they have no objection to the proposal whilst also highlighting several considerations for the applicant to consider in order to reduce any potential future flood risk to the site.

Climate Mitigation and Adaption

The sustainability statement submitted states that the proposals would be energy efficient with photovoltaic panels located on the roof. Electric Vehicle charging points will be available at specified locations throughout the site.

Refuse and recycling facilities have been provided to the communal flats and in close proximity to the other residential units, self-catering unit and café/restaurant element to encourage waste recycling segregation and storage, in line with the waste hierarchy and NPF policy 12.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of energy efficient housing via conversion on an accessible urban location that would result in the re-use of a brownfield site. This will contribute to climate change mitigation in the short and long term. The proposal meets the current standards set out in the sustainability form and complies with NPF4 policy 2.

Local Living and 20-minute Neighbourhoods

NPF4 Policy 15 requires proposals to create connected neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home preferably by using active travel, or sustainable transport options.

The site is within walking distance of a wide range of amenities provided in the designated Town Centre, and open space located west from the site along Shore Road at a distance of 0.8 miles equitable to a 16-minute walk. The site also offers wider connections to both the existing Firth of Forth Core Path -CEC6 and National Cycle Network Route 76 and John Muir Way. There is also a bus stop on Walker Drive and Springfield View, which are accessible from the development site on foot. Overall, the proposed development complied with NPF4 Policy 15.

Design and Layout

NPF4 Policy 14 requires development proposals to be designed to improve the quality of an area and be consistent with the six qualities of successful places: healthy, pleasant, connected, distinctive, sustainable and adaptable.

The LDP policies Des 1 - Des 9 ensure new development is of the highest quality, integrates with and respects the special character of the city and meets the needs of residents and other users.

The proposed development integrates with the existing developments to the south and south west with active travel connections. The site will contain several large areas of open space to serve future occupiers of the residential units on site located throughout. The proposed re-use of the former naval barracks would be achieved by creating an acceptable residential environment reflecting the six qualities of successful places.

The proposals will promote the safety of future occupiers and improve physical and mental health. This being achieved by active travel routes and pedestrian/vehicular connections within the site being overlooked providing natural surveillance as well as health opportunities. Located out with the application site, beyond the southern boundary and accessible on foot, is a 0.56 hectare area of Open Space (Pumping Station) as allotted in the adopted Edinburgh Local Development Plan 2016. This can serve the needs of future residents and encourage use of outdoor space near the site.

The living environment which would be achieved by way of sensitive conversion of the existing buildings on site would result in an attractive built space, with retention of natural site buffers to the south of the site and further landscaping proposed as part of the proposal. There are several public open spaces throughout the development which would contribute towards the creation of a desirable living environment for future occupants.

There is only two vehicle accesses to the site but a number of active travel routes and connections to wider networks. Parking has been reduced through discussions with the Council Transport team and is mainly limited to designated parking areas. Society Road is at a higher level than the site, rising to the east as it passes the boundary. The existing site access from these higher levels is achieved by the roads sweeping across the sloping ground to minimise the gradient by lengthening the route. This arrangement will be retained, and footways will be added to both site access routes, which will provide pedestrian access at gradients to meet the council's standards for accessible footways.

Pedestrian access will be provided along Shore Road, which will connect the site to South Queensferry on flatter ground for pedestrians and cyclists and be an opportunity to improve the John Muir Way.

The proposed conversion of the existing buildings on site is sensitive and presents a faithful interpretation of the historic significance of the site. The conversion of the existing structures coupled with limited demolition would create a unique and distinctive living environment.

The site is sustainable as it is within the built-up area and with active travel and public transport routes to local centres and the city. The proposal would see the development

of a brownfield site, one which currently contains several vacant buildings, which when brought back into use as proposed would result in an environmental improvement whilst reducing the need for greenfield development to provide additional housing in an area of localised housing need.

The maintenance of the public space will be secured by factor via a maintenance schedule agreement.

The proposals are in accordance with the intent and outcomes of NPF4 Policy 14 and the LDP policies Des 1-5, Des 7-8.

Affordable Housing

NPF4 Policy 16 supports development proposals for new homes where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes.

LDP Policy Hou 6 states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be onsite.

The proposal includes 25% affordable housing comprising 8 two bedroom flats and 4 one bedroom flats for mid-market rent which would be secured through the legal agreement. The proposed provision is considered acceptable in regard to NPF4 Policy 16 and LDP Policy Hou 6, and by the Council Affordable Housing team as confirmed in the formal consultee response.

Residential Amenity

Existing Buildings Daylighting and Sunlight, Outlook and Privacy-

LDP Policy Des 5 (Development Design- Amenity) seeks to ensure that the amenity of neighbouring residents is not adversely affected by development and that future occupiers of residential properties have acceptable levels of amenity. The proposed residential use is compatible with the predominantly residential character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

A daylight assessment has been undertaken by the applicant in support of the proposals to show that future occupiers of the residential and self-catering units would benefit from an acceptable level of amenity in terms of daylight provision. The number, orientation and dimensions of existing windows to be retained in the residential flatted blocks/houses ensure that an adequate level of daylight and sunlight would penetrate habitable rooms. Furthermore, the separation distances between the residential flatted blocks/houses ensure that there would be no unacceptable level of overshadowing or overlooking.

Therefore, it is considered that there would be no significant loss of daylight and sunlight. Whilst some of the existing dwellings front onto the proposed site, sufficient outlook and privacy would be retained to ensure adequate levels of residential amenity.

Communal/Private Outdoor Space-

Policy Hou 3 (Private Green Space in Housing Development) sets out provisions for green space to meet the needs of future residents. A minimum of 20% of the total site area should be useable green space, and a minimum of 10sqm per flat for mixed housing/flatted developments where communal provision is proposed.

The proposed development includes several areas of private and communal open space/amenity space within the site red line boundary. This provision would provide 10 sqm per flat of communal space around the flats and meet the minimum 20% requirement for useable green space based on total site area. Additionally, located out with the site to the south and accessible on foot, is a 0.56 hectare area of Open Space designated under the Pump Station per the adopted Edinburgh Local Development Plan 2016. This can also serve the needs of future residents and encourage use of outdoor space.

Historic Assets and Places

NPF4 Policy 7 requires development to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Furthermore, the specific policy outcomes state that the historic environment is valued, protected regarding setting, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change. That where relevant redundant or neglected historic buildings are brought back into sustainable and productive uses. Whilst also recognising the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Character and Setting of Listed Buildings-

This has been assessed in section a). The proposals comply with NPF4 Policy 7c) with respect to the alteration or extension of a listed building, or works that impact on its setting, as the proposals will have no adverse effect on the building's special architectural character.

Character and Setting of World Heritage Site-

The site is situated just over 1 mile from the Forth Bridge World Heritage Site. In assessing the proposals in the context of the World Heritage Site and its setting the associated Outstanding Universal Value would be protected and preserved given the scale and nature of the proposals, and the physical separation between the site and World Heritage Site designation.

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

Transport, Road Safety and Infrastructure

NPF4 Policy 13 (Sustainable Transport) intends to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably. NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

Car Parking-

Policy Tra 2 states that permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in Council guidance. There is no minimum car parking level as set out in the EDG.

LDP policy Tra 4 (Design of Off-Street Car and Cycle Parking) states that design considerations should be taken into account for car parking.

The total car parking provision of 65 spaces (including 4 accessible spaces, 9 active EV charging points and 12 Passive EV charging points) for the café/restaurant and residential uses combined is higher than the maximum number of spaces permitted under EDG standards. The provision of 65 spaces complies with the Council's parking standards which allow a maximum number of 65 spaces.

City car club provision would also be required. This will be secured through the legal agreement with the requirement for a contribution of £7,000 to install all necessary signs and markings and towards the provision of a single car club vehicle space to serve the proposal.

Cycle Parking-

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

Policy Tra 4 states that cycle parking should be provided near building entrances and of an appropriate design.

NPF 4 policy 13 b (Sustainable Transport) refers to the supply of safe, secure and convenient cycle parking to meet needs of users.

The cycle parking factsheet states a principle for new development is for cycle parking provision to accommodate a minimum of 20% for non-standard bicycles. In addition, that no more than 50% of cycle parking spaces for new development should be via two tier racks.

A total of 122 cycle store spaces are proposed by way of secure bike lockers, internal horizontal storage units and non-standard (18 in total) long Sheffield stands to support both the residential and café elements across the site and shown on the submitted site plan. This represents an overprovision of cycle parking per the standards within the Edinburgh Design Guidance.

Regarding provision of safe and secure cycle store spaces, the provision of secure bike lockers within some internal spaces in the residential blocks, and within communal areas located in close proximity of the residential flats, supported by natural surveillance resultant from the residential blocks is proposed. Additionally, the non-standard cycle parking is to be located within a secure outbuilding located on site, and within close proximity of the residential blocks.

A condition has been included requiring the submission of further details to allow discussion over cycle parking provision to continue.

This level of cycle parking provision is considered acceptable subject to further dialogue via the inclusion of an appropriate condition, to serve the site and future residents and users.

Health

NPF4 Policy 23 Health and Safety requires proposals to have a positive effect on health. This includes consideration of air quality, noise and suicide risk. The proposed development has been designed to integrate into the existing area, creating a quality place and complies with LDP design policy and guidance. The proposals include areas of open space and landscaping and will extend existing multi-user paths and provide connections within the area supporting healthy lifestyles and exercise opportunities.

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effects for health, the environment including air soil, water environment or on ground stability.

Air Quality-

The Air Quality Assessment (2022) as submitted by the applicant in support of the application advises that air quality impacts will be limited. The results have been reviewed by the Council Environmental Protection team who have raised no concerns with the findings.

Contaminated Land-

The Site Investigation Report (2021) as submitted by the applicant in support of the application was reviewed by the Environmental Protection team who have raised no concerns with the findings, subject to inclusion of an appropriately worded condition.

Noise-

A Noise Impact Assessment (2021) has been submitted by the applicant which assessed the levels of noise associated with road traffic sound given the proposed residential use on site and proximity of the site to key road infrastructure. The submitted report confirms that road traffic noise levels will be within acceptable limits within the proposed properties, however external noise levels within gardens will be slightly above recommended levels. On balance though, the Environmental Team raised no object to the application on this issue due to other positives associated with the development.

Biodiversity

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

A Preliminary Ecological Assessment was submitted that noted that the habitats and species were typical of those found on neglected former developed sites in the wider area. The survey noted the importance of the mature treeline along the southern boundary of the site, with recommendations for tree protection measures to protect the root protection areas during redevelopment of this site.

NatureScot were formally consulted on the proposals and raised no objection to the proposals reflective of additional information provided by the applicant. The additional information provided detailed measures by the applicant to mitigate impacts specifically during the construction phase on the Firth of Forth - Special Protection Area located out with the site boundary to the north east at the foreshore.

The proposal would see the retention of the mature treeline along the southern boundary of the site. Detailed landscaping proposals have not been submitted as part of the assessment, however an appropriate condition has been attached to ensure provision of these details prior to development commencement. Overall, this is a significant positive effect on biodiversity and a significant Biodiversity Net Gain and complies with NPF4 policy 3.

Developer Contributions

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs. Policy Del 1 and Tra 8 also sets out that the overall cumulative impact of the proposed development should be taken into account. This is supported by the Action Programme 2023 and the Finalised Developer Contributions and Infrastructure Delivery Guidance.

Education Infrastructure-

This site falls within Queensferry Education Contribution Zone.

The proposed development would be expected to make an overall contribute £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.

Infrastructure Costs-

Primary infrastructure costs based on sums of £7,965 per flat and £23,566 per house. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Secondary infrastructure costs based on sums of £16,960 per house and £4,275 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Land Costs-

Primary infrastructure land costs based on sums of £4,311 per house and £1,457 per flat. The proposed 13 studio/one-bedroom flats have been excluded from this assessment.

Healthcare Infrastructure-

The site falls within Healthcare Contribution Zone (North West). The proposed development is required to make a financial contribution of £10,290 towards healthcare provision within South Queensferry. The sum is based on a per unit requirement of £210 for all residential development proposals within defined healthcare contribution zone and would be secured through the legal agreement.

Transport Infrastructure-

The proposed development is required to make a total financial contribution of £11,000. This sum includes £2,000 to progress a suitable order to introduce waiting and loading restrictions, a further £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and to extend the existing 20mph coverage on Society Road to cover site access, and subsequently the sum of £7,000 to install all necessary signs and markings and towards the provision of a car club vehicle space to serve the proposal.

Conclusion in relation to the Development Plan

There are no material considerations which would justify a refusal of planning permission.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

In total a single representation in support and a single representation in objection to the proposal was submitted.

material considerations

Support-

Plans to integrate with existing nearby active travel routes are welcomed - addressed in section (a) above

Objection-

Potential increase in traffic associated with development will increase strain on road network - addressed in section (a) above

Conclusion in relation to identified material considerations

There are no material considerations which would justify a refusal of planning permission.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving a substantial part and features of the listed building that embody the special architectural interest that it possesses.

The proposed development is within the urban area where residential development is acceptable in principle. The ancillary self-catering and cafe/restaurant use are also considered acceptable in principle given the associated economic benefits they will bring. The site can contribute to local living and 20 minute neighbourhoods with its range of affordable housing as well as numerous offerings of areas of open space. The proposed development of the site by way of conversion provides an attractive residential environment. The proposals include a number of active travel connections as well as education, healthcare and transport contributions. In terms of climate change the proposals incorporate sustainability measures. The proposal would retain existing natural buffers on the edge of the site and provide quality landscaping which would be a biodiversity enhancement. Therefore, it is considered that proposals comply with the Development Plan policies of NPF4 and the LDP. There are no material considerations which indicate otherwise.

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 initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. Cooking operations in the Class 3 premises shall be restricted to the use of a microwave, panini machine and soup kettle only; no other forms of cooking shall take place without the prior written approval of the planning authority.
4. Prior to construction of the residential units hereby approved, the applicant must provide further details on the proposed wave return wall to demonstrate that the development is protected from wave and coastal flooding in the 1:200-year return period storm event, including an allowance for climate change. The detailed design should be supported by more detailed calculations and installed prior to occupation of the residential units hereby approved.
5. Prior to occupation of the development a structural condition inspection of the existing breakwater should be conducted by a competent professional and submitted to and approved in writing by the Planning Authority.
6. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. Prior to the commencement of development, full details of all hard and soft Surface, Boundary and Landscaping treatments, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. All hard and soft

landscaping to be completed within six months of the occupation of the development hereby approved.

8. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

9. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation public engagement, interpretation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

10. A detailed methodology statement for the repair and replacement of all windows on site shall be submitted to and approved in writing by the Planning Authority before any works to windows commence. The materials used for repair work shall comprise original elements only, with the exception of any windows where there is insufficient scope to repair or replace features. In such cases, details of the proposed repair/replacement materials and methods shall be provided in the methodology statement. No part of the development hereby approved shall be occupied until the provisions for repair and replacement of the windows has been detailed in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.

11. Prior to commencement of development, details of an appropriate level of accessible cycle storage with capacity for at least 80 cycles shall be submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP:biodiversity), has been submitted to and approved in writing by the planning authority.

The CEMP (biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologist need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person.
- h) The use of protective fences, exclusion barriers and warning signs.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In the interest of amenity.
4. In the interest of amenity.
5. In the interest of amenity.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard existing trees on site.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to safeguard the character of the statutorily listed building.
11. In order to provide adequate cycle provision for occupiers of the development.
12. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Affordable Housing

The proposed development is required to deliver 25% affordable housing in accordance with policy.

Transport

The proposed development is required to contribute £11,000 to transport improvements associated with the development. This sum includes £2,000 to progress a suitable order to introduce waiting and loading restrictions, a further £2,000 to promote a suitable order to introduce a 20mph speed limit within the development, and to extend the existing 20mph coverage on Society Road to cover site access, and subsequently the sum of £7,000 to install all necessary signs and markings and towards the provision of a car club vehicle space to serve the proposal.

Education

The proposed development would be expected to make an overall contribution of £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.

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Land Costs-

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Health

The proposed development is therefore required to make a contribution per household of £210 per unit equating to a total sum of £10,290.

1. 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. The contaminated land report should also include gas mitigation measures and any localised investigation works proposed.
4. Prior to commencement of development on site a bat licence must be obtained from NatureScot.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 May 2022

Drawing Numbers/Scheme

01-11, 12B-22, 23A-29

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jay Skinner, Planning Officer
E-mail: jay.skinner@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water
COMMENT: No objection to proposal.
DATE: 6 December 2022

NAME: Nature Scot
COMMENT: No objection and can advise that it is now possible to reach a conclusion of no adverse effects upon site integrity of the Firth of Forth Special Protection Area (SPA).
DATE: 8 September 2023

NAME: Natural Environment Officer
COMMENT: Having consulted with NatureScot and undertaken a Habitat Regulations Appraisal and Appropriate Assessment, it has been possible to reach a conclusion of 'no adverse effects upon site integrity'. Therefore there is no objection to this application in relation to Policy Env13.
DATE: 18 September 2023

NAME: Edinburgh Airport
COMMENT: No objection to the proposal.
DATE: 14 August 2023

NAME: Transportation
COMMENT: No objections subject to appropriate conditions and informatives.
DATE: 25 September 2023

NAME: SEPA
COMMENT: No objection to proposals.
DATE: 3 August 2022

NAME: Affordable Housing
COMMENT: No objection to the proposal as the applicant has made a commitment to provide a minimum of 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement.
DATE: 3 October 2022

NAME: Communities and Families
COMMENT: The proposed development would be expected to make an overall contribute £773,352 towards education infrastructure, of which £403,533 would be directed to primary and secondary infrastructure and land costs for the housing units, and £369,819 would be directed towards primary and secondary infrastructure and land costs for the flatted units. The applicant will be required to enter into a Section 75 legal agreement to secure this contribution.
DATE: 19 May 2023

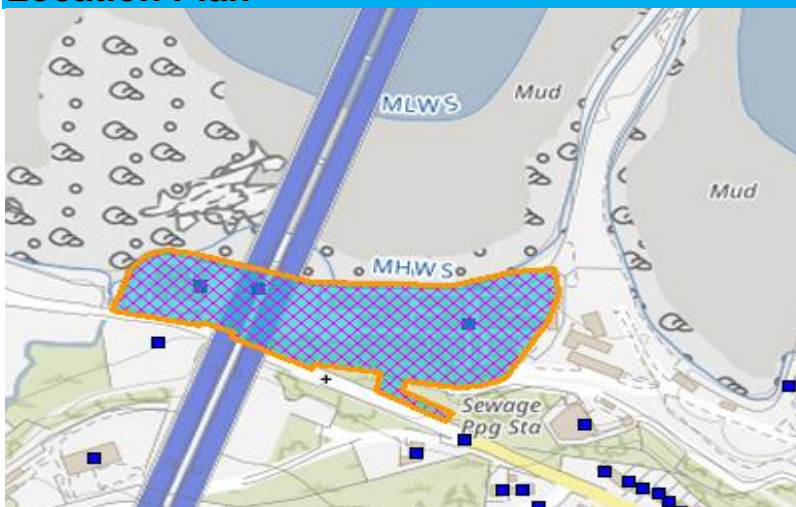
NAME: Archaeology
COMMENT: No objection to proposal subject to a condition.
DATE: 14 June 2022

NAME: Flood Planning
COMMENT: No objection to proposal subject to conditions.
DATE: 1 December 2022

NAME: Environmental Protection
COMMENT: No objection to proposal subject to conditions.
DATE: 3 March 2023

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

Location Plan



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