

Development Management Sub Committee

Wednesday 18 August 2021

**Application for Planning Permission 20/05222/FUL
At 13 Edinburgh Road, Edinburgh, EH30 9HR
Erect new standalone workshop / studio building with
separate access.**

Item number

Report number

Wards

B01 - Almond

Summary

The proposed development is not acceptable in principle in this location. Whilst the development will not harm the special interest of nearby listed buildings, it is of inappropriate design and siting and will not preserve or enhance the character of the conservation area. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES01, LDES03, LDES04, LDES05, LDES07, LDES10, LDES11, LEN01, LEN03, LEN06, LEN08, LEN09, LEN11, LEN13, LEN14, LEN15, LEN16, LEN21, LEN22, LEMP08,

Report

Application for Planning Permission 20/05222/FUL At 13 Edinburgh Road, Edinburgh, EH30 9HR Erect new standalone workshop / studio building with separate access.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site lies within the grounds of No. 13 Edinburgh Road, South Queensferry. It is sited at the east end of South Queensferry High Street, at the edge of the Seals Craig rock next to the shoreline. It is within the defined South Queensferry Conservation Area. It also lies just on the edge of the Southern Forth Coast a Special Landscape Area (SLA) as well as the Firth of Forth Special Protected Area (SPA) and Site of Special Scientific Interest (SSSI).

The site is directly on the bedrock that leads down to the water's edge. It is currently open land and only has an excavated area within the rock which partially contains the foundations of a building which previously existed approximately 100 years ago.

To the south/south east of the site, a new dwelling house (No. 13) was approved under (07/04626/FUL). This has now been constructed. There are a number of listed buildings relatively nearby on the High Street.

The access lane to the site appears to have historically given access as a slipway. It is believed that there is a traditional right of way through the site to the shoreline.

To the north, the site has an open panorama of the Forth Bridges.
This application site is located within the Queensferry Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the formation of a 3 storey building. The submitted plans show that the ground floor of the building shall be utilised as a workshop which has its own ground floor access. There are separate stairs which lead up to a studio above, which contains a kitchen and bathroom and a mezzanine level above that. The applicant has stated that the studio and workshop will be utilised as ancillary accommodation and workspace for the applicant whose principal accommodation is the main dwelling (No. 13) located within the site.

Supporting Documents

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning/Design Statement
- Surface Water Drainage Strategy
- Flood Risk Assessment (FRA)

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 principle of development at this location is acceptable;
- b) the proposal will Impact on the setting of listed buildings;
- c) the proposal will harm the Outstanding Universal Value of the defined World Heritage Site.
- d) the proposal will preserve or enhance the character of the conservation area;
- e) the proposal is of an appropriate scale, form and design;
- f) the proposal will impact on Special Landscape Areas and Protected Views;
- g) the proposal will impact upon the natural environment and Sites of International Importance;
- h) the proposal will result in a satisfactory residential environment;
- i) the proposed use would result in any material loss of amenity to neighbouring properties;
- j) other material matters have been addressed; and
- k) public comments have been addressed.

(a) The Principle of Development in this Location

The applicant has stated that the first floor of the proposed building will be utilised as a studio which will provide ancillary accommodation to their principal dwelling. Above that is a mezzanine level.

However, the plans submitted with the application show that the studio proposed will have its own private access as well as a kitchen and toilet facilities. As such the proposal could be utilised as a separate residential unit and should be assessed as such.

LDP policy Hou 1 (Housing Development) states that priority will be given 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 proposal is within the defined urban area. The report will consider whether the proposal is compatible with other policies in the plan.

The ground floor of the proposed building is indicated as being a workshop and there are facilities at the upper level which could constitute a dwelling unit or be used for other functions such as short term visitor accommodation. The applicant has confirmed

that the workshop will be used for personal hobby craft & DIY using hand tools only and the upper floor will be ancillary to the main dwelling house. If the application was to be granted, it is recommended that a legal agreement be required to ensure that the uses are ancillary to the main dwelling house and short term visitor accommodation be specifically excluded.

(b) 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."*

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

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Setting states that setting can be important to the way in which historic structures or places are understood, appreciated and experienced. It can often be integral to a historic asset's cultural significance.

It is noted that there are several listed buildings located directly along Edinburgh Road. However, given that the application site is located quite far out into Seals Craig Rock, the proposal will have no material impact upon the settings of these buildings.

The category A listed Forth Bridge and Road Bridge are located a significant distance away from the site. However, it is acknowledged that the site is an area in which the bridges are viewed, appreciated and experienced. From certain view points within South Queensferry the proposal will have an impact upon key views. However, the proposed building is relatively small, in context, and there will still be numerous places where the bridge can be understood, appreciated and experienced.

Historic Environment Scotland was consulted as part of the assessment of the application. It offered no comments or objections to the proposal in terms of its potential impact upon the setting of the Forth Bridge.

The application complies with LDP policies Env 3 and the relevant Historic Environment Scotland Managing Change in the Historic Environment guidance notes.

(c) World Heritage Site

LDP Policy Env 1 - World Heritage Sites states that development which would harm the qualities which justified the inscription of the Forth Bridge will not be permitted.

The Outstanding Universal Value (OUV) of the Forth Bridge is defined as

Criterion (i): *The Forth Bridge is a masterpiece of creative genius because of its distinctive industrial aesthetic, which is the result of a forthright, unadorned display of its massive, functional structural elements.*

Criterion (iv): *The Forth Bridge is an extraordinary and impressive milestone in the evolution of bridge design and construction during the period when railways came to dominate long-distance land travel, innovative in its concept, its use of mild steel, and its enormous scale.*

The Forth Bridge is located a significant distance away from the site and the proposed building is relatively small in context.

Historic Environment Scotland was consulted as part of the assessment of the application. It offered no comments or objections to the proposal in terms of its potential impact upon the OUV of the Forth Bridge.

The proposal will not have a detrimental impact on the OUV of the World Heritage Site. It complies with LDP policy Env 1.

(d) 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."*

Policy Env 6 (Conservation Areas - Development) in the LDP requires development proposals to preserve or enhance the character or appearance of the conservation area and permits development which is consistent with the relevant conservation character appraisal. The application site lies within the South Queensferry Conservation area.

The South Queensferry Conservation Area Character Appraisal (SQCACA) highlights the conservation areas key significance.

Statement of significance

The architectural form and character of Queensferry is rich and varied with many fine historic buildings dating from its origins as a medieval burgh and following through several periods including Georgian and Victorian, to the present day. The materials are traditional:

stone and harl, slate and pantiles, timber windows and doors. The roofscape is important with its variations in form and features, such as crow-step gables, a variety of dormer styles and chimneys with cans. The shoreline setting embraces the waterfront buildings and the historic settlement is framed within the Victorian rail bridge and the 1960s road bridge

A significant level of uniformity is achieved from the use of local building materials, despite the considerable range of building styles. The predominant materials form a

restricted palette of rubble and dressed sandstone, render and slate roofing. The variety of treatment provides interest with decorative tooling and carved stonework, often reflecting maritime connections, pediments, doorframes and marriage lintels, dressed or rendered margin bands, chamfered corners, gable windows and crowsteps, cast iron signs and railings.

Small-scale development opportunities for infill or replacement may arise within the historic core, and will be considered under the policies and guidance listed at 5.1. Development on a significant scale is unlikely to take place within the conservation area although a number of sites on its peripheries may be affected, such as Port Edgar, the Corus site adjacent to the Forth Bridges Contact and Information Centre and at the wider edges of the settlement, particularly when the Queensferry Crossing comes into use. In most instances development is unlikely to have a significant visual impact on the setting of the conservation area or the Bridges owing to the topography, domestic scale and intervening development. However, proposals will be monitored to ensure the sensitivities of these features are taken into account.

The information submitted with the application shows that there was historically a building on this site. Although it appears that it was a relatively small and low lying building of traditional design. The remaining excavation where the building previously was is now covered by grass and weeds and it is not obvious that there was ever a building on the site.

Overall the current appearance of the site is one that is geological in form, open and largely undisturbed by development. It is a significant and important area of land that contributes highly to the character and appearance of the defined conservation area. It provides open space and opportunities to take in the character and setting of the Firth of Forth, the Rail Bridge and importantly, the conservation area itself.

The SQCACA goes into detail about the importance of views and connectivity with the shoreline. It notes *The early part of the town is located on the shoreline and within a bay formed by two promontories, the Binks to the west and Craigs to the east.*

Within the conservation area, mid-and short-range views are important along the gently curving High Street and out towards the Forth, the Fife coast and the bridges through gaps in the northern building line and from the Hawes Promenade. Glimpse views along pends and narrow lanes, of the harbours and Forth to the north and gardens to the south, add to the picturesque qualities of the townscape.

Seals Craig creates a kink in the line of the road and forms an inner gateway and shelter to the High Street. The beaches, harbours and piers provide distinctive spaces within the town and spectacular, panoramic viewpoints. Visitors are a major factor in the town's activity, drawn by views of the bridges and access to the water."

In the section of the SQCACA "Under Pressures and Sensitivities" it is noted *The vennels leading north and south from the High Street are also at risk from privatisation of access, blocking of glimpse views and pedestrian routes, and erosion of traditional surfacing materials."*

Traditionally the foreshore tends to be publicly accessible land and so this site has been accessible by the public and enjoyed by them for many years. The site lies just off one of Edinburgh's defined Core Paths (CEC 6-Firth of Forth)

Planning permission was granted under 07/04626/FUL for the erection of a dwelling house on another part of the site, further away from the coast.

Since the application above has been constructed, it is evident that the owner has personalised the space around the new dwelling, with garden plants, potters and various garden furniture including a small shed. On one site visit, a car was parked across the lane which almost restricted access to the site entirely. It is no longer that obvious that this is an area in which the public can access and enjoy the views from this element of the shoreline. Many of the objections submitted also reflect these concerns.

The building proposed within the site will further restrict access/connectivity along the shore. It is noted that The Land Reform (Scotland) Act 2003 excludes the curtilage & gardens of private dwellings to protect their privacy and prevent disturbance. Overall, it is questionable whether the current public access can be maintained in future especially if the new building is erected. The building footprint itself takes up quite a large area and will prevent all access to the north and east of it, due to the shape of the rocks and drop below. Access may be further reduced if the owner wishes to include further protective measures for their privacy and protection of this area.

Alternative public access around the rock promontory is unlikely along the foreshore at high tide so the present connectivity along the coastline at this point will be broken.

The proposed erection of a three storey building on this site would materially impact upon the availability of a variety of currently available views from the high street, views from the site to the Firth of Forth, of the bridges and of the conservation area itself. The development will likely also impact upon the pedestrian route out to the seals craig rock.

The proposed building is of modern design and does not attempt to be a pastiche. However, it does not utilise any of the traditional materials that are highlighted within the SQACA or of any building nearby.

The lower walls of the proposal will be formed from rammed earth, which is formed from natural raw materials such as earth, chalk, lime, or gravel, but can often be mistaken for concrete. Black timber cladding on other elements of the walls is also proposed and a barrel vaulted roof will be erected finished in bronze seam cladding.

Whilst modern design is to be appreciated, it has to be used in the correct context. The site is a highly visible coastal location within the defined conservation area. The vast majority of buildings nearby and within the South Queensferry conservation area have traditional pitched roofs with slates or pantiles, whilst their walls are finished in stone or render.

The design statement makes reference that the building takes inspiration from Scottish Coastal buildings. That may be the case but there are no coastal buildings that look like

that proposed within the SQCACA. Even the nearby life boat building is finished in stone with a pitched slate clad roof.

Overall, neither the design or siting of the building is consistent with the SQCACA. It would not preserve or enhance the character or appearance of the conservation area.

The proposal does not comply with LDP policy Env 6.

(e) Scale Form and Design

LDP policy Des 1 (Design Quality and Context) states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place.

LDP policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

LDP policy Des 10 (Waterside Development) states that planning permission will only be granted on sites on the coastal edge or adjoining a watercourse, where proposals

- a) provide an attractive frontage to the water in question
- b) where appropriate, maintains, provides or improves public access to and along the waters edge
- c) maintains and enhances the water environment, its nature conservation or landscape interests including margins and river valley
- d) if appropriate, promotes recreational use of the water.

The site and the area directly around it has a definite sense of place and a uniformity in terms of buildings materials, detailing, scale, form and design.

However, the proposal has not identified, incorporated and enhanced the existing features worthy of retention on the site or those that exist in the surrounding area. The form of the building is alien to its surroundings and the proposed external materials are not appropriate. The building will introduce an incongruous, unattractive addition to the built environment of the surrounding area and to the waterfront in question.

The applicant has stated that although the land around the proposed site is in their ownership, they will continue to permit a right of access through the land. However, erecting a large structure right next to the water's edge on this land is realistically likely to discourage the public's access to and along this element of the waters edge.

The proposal does not comply with LDP policies Des 1, Des 3, Des 4 or Des 10.

(f) Special Landscape Area

The Southern Forth Coast Special Landscape Area is directly next to the site.

LDP policy Env 11 (Special Landscape Areas) states that 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 shown in the proposals map.

The 'Statement of Importance' for the Southern Forth Coast Special Landscape Area notes the *"Scenic quality of the landscape along the coastline. A diverse coastal landscape incorporating natural shoreline, sands and islands, urban waterfront, parkland and policy landscapes. The landscape is important for recreation, providing connectivity along the shore, and forms a key component in views towards Edinburgh from the Forth Estuary, road and rail bridges. The diverse topography along the coastal edge directs views across the Firth of Forth to the Fife coast, providing high scenic value in combination with the ever changing movement of the tides and atmospheric conditions."*

The Forth Bridge World Heritage Site: Key Viewpoints document (2016) notes that one of the key views of the Forth Bridge is from the Forth Bridges Contact and Education Centre in Queensferry. This is to the south west of the site. It also states that *Views from within conservation areas are not included here because the key locations are already noted in conservation area appraisals, any development permitted must preserve or enhance character, and will be on a small scale that does not obstruct full or partial views that can be had nearby.*

The application site is part of area in which spectacular views over the Firth of Forth and of the Forth Bridge can be clearly seen. It is a popular spot for both locals and tourists to enjoy these views. The construction of a three storey building within this site will clearly have an impact upon the ability of these views to be enjoyed from this location and from directly nearby.

Overall, however, on balance, due to the overall size and extent of the SLA the relatively small building proposed will not have a significant impact upon it.

The proposal complies with LDP policy Env 11.

(g) Natural Environment

LDP policy Env 13 (Sites of International Importance) states that development likely to have a significant effect on a "Natura 2000 site" will be permitted only if either:

- a) the development will not adversely affect the integrity of the area; or
- b) it has been demonstrated that:
- c) there is no alternative solutions and
- d) there are imperative reasons of overriding public interest for permitting the development, including reasons of a social or economic nature.
- e) compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

The proposal could affect the Firth of Forth Special Protection Area (SPA) designated for its wintering bird interest. The status of the site meets that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations").

The Forth is also a defined Site of Special Scientific Interest (SSSI).

Consequently, the City of Edinburgh Council is required to consider the effect of the proposal on the site before it can be consented (commonly known as Habitats Regulations Appraisal).

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'.

The proposal complies with LDP Policy Env13. If the application was to be granted there are several conditions that are advised to be applied to the consent in relation to protecting the surrounding natural habitat.

Policy Env 14 (Sites of National Importance) states that development which would affect a site of Special Scientific Interest will only be permitted where an appraisal has demonstrated that

- a) the objectives of the designation and the overall integrity of the area will not be compromised or
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social or economic benefits of national importance.

The Council's biodiversity officer has been consulted and confirms the proposal will not affect the SSSI. The development complies with LDP policy Env 14.

The Firth of Forth is also a Local Nature Conservation Site.

LDP policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Conservation Site will not be permitted unless it can be demonstrated that:

- a) the reasons for allowing the development are sufficient to outweigh the nature conservation interest of the site
- b) the adverse consequences of allowing the development for the value of the site have been minimised in an acceptable manner.

The Council's biodiversity officer has been consulted and confirms the proposal will not affect the defined Local Nature Conservation Site. The development complies with LDP policy Env 15.

(h) Residential Environment

A studio will be constructed above the proposed workshop. Whilst the applicant has stated that this will be ancillary to the main house, its residential environment must still be assessed.

LDP Policy Des 5 (Development Design-Amenity) states that planning permission will be granted for development where it is demonstrated that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

LDP policy Hou 3 (Private Greenspace in Housing Developments) states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

LDP policy Hou 4 (Housing density) states that the council will seek an appropriate density of development on each site including having regard to the need to create an attractive residential environment and safeguard living conditions within the development.

The Edinburgh Design Guidance also seeks to address the criteria of an acceptable level of amenity for future occupiers of the development. This includes minimum floor space standards.

The proposal will have very large glazed areas. It would provide adequate levels of sunlight/daylight for any future occupiers as well as excellent views. The proposed studio only has a ground floor area of 29 square metres, whilst the mezzanine level has a floor area of 19 square metres, meaning that the unit has a total floor space of 48 square metres. This does not meet the minimum floor space standards for a one bedroom apartment, which is 52 square metres, as established within the Edinburgh Design Guidance.

Environmental protection have stated that they have concerns about the potential for noise and disturbance if the studio was to be utilised as a individual dwelling and was in separate ownership from the workshop below.

The dwelling would only have a small element of garden. However, that is not uncommon within this area.

The proposal complies with LDP policy Hou 3. However, it does not comply with LDP policy Des 5, Hou 4 or the Edinburgh Design Guidance in terms of minimum floor space standards.

(i) Loss of Amenity to Neighbours

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

The building is sited far enough away from other dwellings as to not cause any material overshadowing/loss of sunlight/daylight.

The building will be constructed quite close to the existing dwelling on the site. However, the windows and raised balcony area shall largely overlook the gable elevation of the property, which is currently in the same ownership.

Environmental Protection raised concerns in relation to the workshops potential impact upon existing neighbouring properties. Construction noise is not controlled by the planning authority.

j) Other Material Matters

Road/pedestrian safety and access

LDP policy Tra 2 (Private Car Parking) 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.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where the proposed cycle parking and storage facilities comply with the standards set out in Council guidance.

The Roads Authority was consulted as part of the assessment of the application. It confirmed that it had no objections to the proposal. No additional off street car parking is proposed.

The proposal complies with LDP policy Tra 2 and 3.

Flooding

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

The application site is right next to the Firth of Forth. A Flood Risk Assessment (FRA) was submitted with the application. Flood Planning was consulted as part of the assessment of the application as was the Scottish Environmental Protection Agency (SEPA).

SEPA has no objections to the application. The Council's Flood Planning section has also confirmed that it has no objections to the proposal after assessing the submitted FRA and further associated documents. However, these assessments were made on the understanding that the use of the building is going to be as a workshop and ancillary studio which are categorised as a 'least vulnerable' land use, referencing SEPA's Land Use Vulnerability Guidance.

If the application is granted, it is recommended that an informative is placed on the consent advising the applicant that if the building was to be utilised for a use other than a workshop or ancillary studio then planning permission will be required and an updated FRA will also be required to be submitted with that application.

The proposed development will not increase a flood risk or be at risk of flooding itself. The proposal complies with LDP policy Env 21.

Archaeology

The City Archaeologist was consulted as part of the assessment of the application. He confirmed that he had no objections to the proposal, subject to a condition relating to ground investigations and recording being applied to the consent if the application was granted.

Waste Services

Waste Services was consulted and confirmed that if the application was to be granted the applicant should contact waste services as soon as possible to devise a waste strategy.

(k) Public comments

Material Representations - objection

- Concerns relating to design, materials and appearance of building, would damage the conservation area. This is addressed in section 3.3d and e;
- Concerns over flooding/surface water as a result of the development. This is addressed in section 3.3j;
- Impact on setting on nearby listed buildings. This is addressed in section 3.3b;
- Loss of community and open space, impact upon Special Landscape Area and opportunities for views. This is addressed in section 3.3f;
- Impact upon World Heritage site. This is addressed in section 3.3c;
- Impact on protected species and natural environment. This is addressed in section 3.3g;
- Road/pedestrian safety, parking and access concerns. This is addressed in section 3.3j;
- Impact of the proposal upon tourism and businesses. This is addressed in section 3.3f;
- Impact upon important archaeology. This is addressed in section 3.3j
- Impact of proposed future installation of services on the rock. No works to provide for future services have been shown in this application. As the application is recommended for refusal further information in this regard has not been requested. Due to the sensitive surroundings of the site any future works to provide services may require the benefit of further planning permission.

- Lack of information on proposed use of workshop. Further details of the use have been provided.

Non Material Representations

- The proposed building might be utilised as an Air BNB. This is not what is being applied for. This would require further planning permission for a change of use.
- Build at this site will not be safe. Further details of the proposed build will be required for the building warrant for the proposal;
- Land was bought unfairly, without community consultation. This is not a material planning consideration;

Material Support

- Design, materials and appearance of building is appropriate, would not damage the conservation area. This is addressed in section 3.3d&e;
- Good use of the land, it is a brownfield site. This is addressed in section 3.3a.
- Will not impact upon traffic/road safety. This is addressed in section 3.3j
- No impact upon views or the Special Landscape Area. This is addressed in section 3.3f
- No impact upon World Heritage Site. This is addressed in section 3.3c.
- No impact upon protected species or the Natural Environment. This is addressed in section 3.3g
- No impact upon rights of access along the coast. This is addressed in section 3.3f
- No impact upon nearby listed buildings. This is addressed in section 3.3b.

Conclusion

The proposed development is not acceptable in principle in this location. Whilst the development will not harm the special interest of nearby listed buildings, it is of inappropriate design and siting and will not preserve or enhance the character of the conservation area. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal does not comply with other policies within the adopted LDP.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will not preserve or enhance the character or appearance of the defined conservation area, nor is it consistent with the South Queensferry Conservation Area Character Appraisal (SQACA)
3. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it will not create or contribute towards a sense of place.
4. The proposal is contrary to the Local Development Plan Policy Des 3 in respect of Development Design - Incorporating and Enhancing Existing and Potential Features, as it has not been demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.
5. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design - Impact on Setting, as it has not been demonstrated that it will have a positive impact upon its surroundings.
6. The proposal is contrary to the Local Development Plan Policy Des 10 in respect of Waterside Development, as it will not provide an attractive frontage to the water in question and will not maintain, provide or improve public access to and along the waters edge.

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

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

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

88 representations were received in relation to the application. 58 objection comments, including an objection from the Queenferry Heritage Trust and the Queensferry and District Community Council. The application also received 30 letters of support. The points raised are addressed in section 3.3 of this report.

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 15 December 2020

Drawing numbers/Scheme 01-08,

Scheme 1

David Givan
Chief Planning Officer
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The City of Edinburgh Council

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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

LDP Policy Env 13 (Sites of International Importance) identifies the circumstances in which development likely to affect Sites of International Importance will be permitted.

LDP Policy Env 14 (Sites of National Importance) identifies the circumstances in which development likely to affect Sites of National Importance will be permitted.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

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

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 8 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

Appendix 1

Application for Planning Permission 20/05222/FUL At 13 Edinburgh Road, Edinburgh, EH30 9HR Erect new standalone workshop / studio building with separate access.

Consultations

Nature Scot

Summary

There are natural heritage interests of international importance adjacent to the site, but in our view, these will not be adversely affected by the proposal. Advice in relation to this is provided below and in Annex 1.

SNH Advice -Firth of Forth SPA

The proposal lies adjacent to the Firth of Forth Special Protection Area (SPA), designated for its wintering bird interest. A Habitats Regulation Appraisal (HRA) is therefore required. The SPA has not been addressed within the application and therefore no information has been submitted to inform an HRA. However, we consider that HRA screening and if necessary appropriate assessment should be able to be undertaken with the information available.

In terms of HRA screening, our view is this proposal is likely to have a significant effect on the Firth of Forth SPA. Consequently, Edinburgh Council as competent authority, is required to carry out an appropriate assessment in view of the site's conservation objectives for its qualifying interests.

To help you do this we advise that, in our view, based on the information provided, the proposal will not adversely affect the integrity of the site.

Annex 1 contains full details and reasoning for all requirements. Firth of Forth SSSI

The proposal is also adjacent to the Firth of Forth Site of Special Scientific Interest (SSSI), notified partly for its geological interests which include the Queensferry Shore rock exposures at this location. The Craigs rocks below and around this promontory form an important part of this geological interest. No construction or incursion is proposed within the SSSI/onto the rocks and therefore the proposal is not likely to have any impacts on the SSSI.

Annex 1 Firth of Forth SPA and Habitats Regulations Appraisal.

This proposal could affect the Firth of Forth Special Protection Area (SPA) designated for its wintering bird interest. Further information about this internationally important

site, the special features it is designated to protect, and its conservation objectives, can be found on NatureScot's SiteLink website: <https://sitelink.nature.scot/home>

The status of these sites means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended (the "Habitats Regulations"). Consequently, Edinburgh Council is required to consider the effect of the proposal on the site before it can be consented (commonly known as Habitats Regulations Appraisal). Our website has summaries of the legislative requirements and the HRA process: <https://www.nature.scot/professional-advice/protected-areas-and-species/protected-species/legal-framework/habitats-directive-and-habitats-regulations>
<https://www.nature.scot/professional-advice/planning-and-development/environmental-assessment/habitats-regulations-appraisal-hra>

Our advice in relation to the HRA is provided below:

HRA Stage 1 - is the proposal connected with conservation management of the European site?

No - this proposal is not connected to conservation management of any European site. Hence

further consideration is required.

HRA Stage 2 - is the proposal 'likely to have significant effects' upon the European site?

In plain English this asks whether there is any connectivity between the proposal and the European site.

Given the proximity to the SPA, possible effects of disturbance on the bird population and

potential direct effects on the site, then we would conclude that there's likely significant effects:

1) There is potential for disturbance or displacement of birds using the shoreline or coastal water, with the construction of a new building, introducing light, noise and movement.

2) There is potential for pollution/sedimentation to the water from construction activities.

HRA Stage 3 - will the proposal have adverse effects on the integrity of the SPA?

An appropriate assessment will be required and should be carried out by Edinburgh Council in view of the site's conservation objectives for its qualifying interests. In our view this assessment can be carried out using available information and should include an appraisal of the following:

1) Information on and assessment of level of disturbance or displacement to SPA birds which are likely to be loafing or roosting in the sea or shoreline habitat. No wintering bird surveys have been undertaken to support this application, which are often required to support applications. However, bird use in this location is likely to be low and will be subject to on-going background disturbance from the town/road and street lighting. The construction of a new building at this location, which although is on a small promontory, is also in

close proximity to other buildings and within the settlement boundary. Therefore the effects of new disturbance here isn't likely to be much on top of the existing settlement disturbance. This is partly based on the assumption that the external lighting required will be sensitive or similar to the lighting in the area, given the location by the coast and within a Conservation Area; no bright lighting should be directed onto the Forth. This

may need to be a condition of consent, if lighting requirements aren't covered elsewhere in the consent process.

The construction process will be time limited, although there is no mention of specific timescales for work. In relation to this, timing of works could be an option to prevent construction disturbance, but given the various reasons above, this is unlikely to be required.

2) Assessment of risk and potential impacts to the Forth and measures to reduce this risk. This relates to construction activities which could result in pollution, dirt and dust entering the water environment. The building to be constructed is almost immediately adjacent to the water's edge so there is a risk of accidental spills. However, controls are likely to be required by other regulatory methods and as such we can anticipate the measures that will be required and in place to minimise these events from occurring. It's also noted that wastewater is anticipated to be connected to the existing pipe at the main building which would avoid further clarification on this issue.

HRA - Conclusion

Taking all of the above considerations into account, in our view it should be possible to reach a conclusion of 'no adverse effects upon site integrity'.

To note: If the planning authority intends to grant planning permission against this HRA advice, you must notify Scottish Ministers.

Additional advice

To further mitigate the effects of construction works on any wintering birds that are using the adjacent coast, we recommend the following measures as informatives:

- 1) Screening of the site, which will help mask movement and lighting inside the building, reducing visual disturbance site, help buffer noise levels and help restrict dust travel.
- 2) Consideration given to restricting periods of high noise levels to one hour past dawn, ceasing one hour before dusk, to allow birds to disperse.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application to erect a new standalone workshop / studio building with separate access.

South Queensferry was already established as a main ferry-port by the 11th century, located at the last narrow-crossing point across the Firth of Forth between Fife with the Lothians. By 1150 the settlement was being called "the queen's ferry" in reference to the improvements order by Queen Margaret of Scotland (AD 1063-93) to the ferry service. The site is located on the eastern side of the medieval town on the 'The Craigs' a spit of high bedrock forming the end of the town. The 1st edition OS map (see fig 1) shows the site occupied by a building thought to date back to possibly the 17th /18th centuries. What appears to be rock cut steps can be seen in the Craigs Rock extending from the corner of the adjacent hotel suggesting an earlier landing point on Craigs Rock.

This application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative

The site contains the ruins/remains of an earlier building shown on the 1st Edition OS map which possibly date back to the 17th/18th century. Given the site's location earlier archaeological evidence associated with the development of South Queensferry from the medieval period onwards may also occur. The impact therefore of associated with construction and associated groundbreaking works (e.g. services) for this development must be regarded as having a moderate archaeological impact. It is recommended therefore that prior to development that a programme of archaeological works is undertaken to fully excavate, record and analysis all significant remains. Given the sites public location it is recommended that this be undertaken in conjunction with a programme of public engagement information boards, public viewing etc)

Therefore, it recommended that if permission is granted that the following condition is attached to ensure the undertaking of the required programme of archaeological works on this site.

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Historic Environment Scotland

Thank you for your consultation which we received on 18 February 2021. We have assessed it for our historic environment interests and consider that the proposals have the potential to affect the following:

Ref Name Designation Type
100018447,

LB40370
Forth Bridge World
Heritage Site Boundary,

FORTH BRIDGE
World Heritage Sites,

Listed Building

You should also seek advice from your archaeology and conservation service for matters including unscheduled archaeology and category B and C-listed buildings.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Roads Authority

No objections to the application.

Scottish Water

Audit of Proposal

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

There is currently sufficient capacity in the Balmore Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

This proposed development will be serviced by S Queensferry Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

Asset Impact Assessment

According to our records, the development proposals may impact on existing Scottish Water assets. The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Flood Planning

Thank you for sending through the completed certificate.

The applicant has confirmed that the development is categorised as a 'least vulnerable' land use, referencing SEPA's Land Use Vulnerability Guidance, and has confirmed that safe access and egress is provided. As recommended in the flood risk assessment, the applicant should implement an emergency evacuation plan and flood resilient materials.

This application can therefore proceed to determination, with no further comments from Flood Prevention.

SEPA

This application appears to be for a studio/workshop and therefore of low vulnerability re flood risk - we have no comment to make on this

Environmental Protection

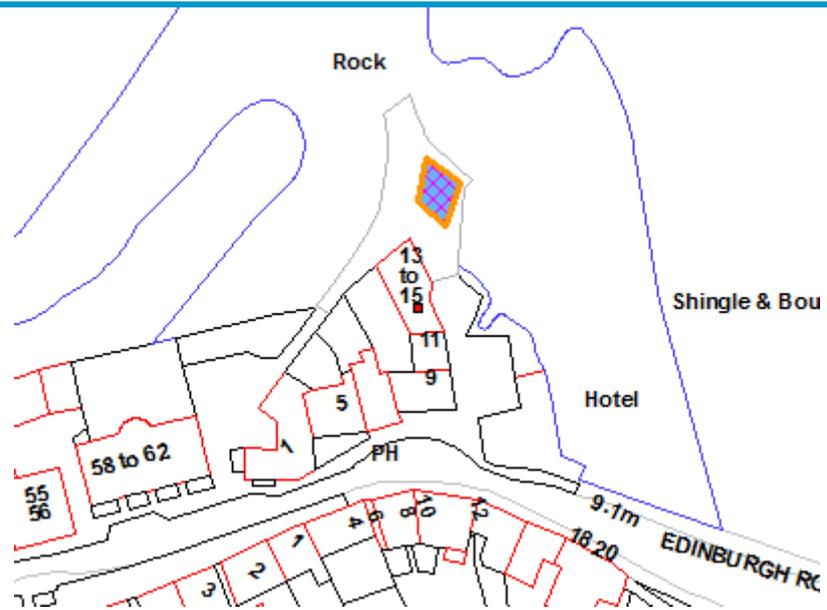
Environmental Protection has concerns regarding the impact of noise, odour, and dust from the proposed workshop on the proposed and existing residential amenity, and therefore cannot support this application.

The application site is to the north of the residential property at 13 Edinburgh Road and is proposed as small scale ancillary residential, with a workshop.

This service does not have concerns relating to the residential aspect of the proposal but is concerned about the potential impact on nearby amenity that the workshop may have, in terms of noise, odour and dust. Planning have advised that the residential part of the development would need to be assessed as a separate dwelling from the proposed workshop and mezzanine. This means there is the potential for the residential part of the development and the workshop to be under separate control / ownership and therefore for the workshop to have a negative impact on amenity of the proposed, as well as existing residential properties.

Environmental Protection therefore cannot support this application.

Location Plan



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