

Development Management Sub Committee

Wednesday 8 September 2021

**Application for Planning Permission 21/00381/FUL
At Powderhall Bowling Green, Broughton Road, Edinburgh
Phase 2 of 3 phase masterplan at Powderhall. Phase 2 is the former Bowling Green Site, this area is a mixed use development, to include an early years nursery, accessible housing for independent living for those aged 55 and over, outdoor amenity space for Broughton Primary School and associated landscaping, including new public entrance square and enhanced landscaping works to St Mark's Path.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The proposal is acceptable in principle and development of open space and the subsequent loss of a playing field is justified. The proposals deviate from the Powderhall Place Brief. However, this is fully justified and acceptable in this case. The proposals comply with the relevant design policies set out in the Local Development Plan (LDP) and exceed the requirements of LDP Policy Hou 6 in terms of affordable housing provision. The proposals are of a suitable scale, form and design and will not have a detrimental impact on the character of the surrounding area. The proposals will not have a detrimental impact on neighbouring amenity and the proposals will achieve a good level of amenity for future occupiers. Although potential noise levels experienced by neighbours and future residents may in some cases exceed recommended levels it is not anticipated this will be to their detriment given the existing noise environment of the surrounding area and mitigation measures included as part of the proposal. The proposals comply with LDP transport policies and parking standards.

The proposals broadly comply with the policies of the Local Development Plan and relevant non-statutory guidance. All infringements of policy and guidance have been justified. A legal agreement is required in relation to contributions to the Edinburgh Tram Line.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU07, LEN08, LEN09, LEN12, LEN16, LEN18, LEN19, LEN21, LTRA02, LTRA03, LEN22, NSG, NSGD02,

Report

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Recommendations

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

Background

2.1 Site description

The application site is a former bowling green which has been vacant since 2015. To the south-east the site fronts Broughton Road. However, due to a strong row of mature Lime trees and a significant change in levels between Broughton Road and the bowling green, the site feels separate. The old bowling pavilion is situated to the west of the site and scheduled for demolition. The north of the site is bounded by a cluster of trees. St. Mark's Path is located to the north-east of the site. Accessed from Broughton Road this provides direct access to St. Mark's Park.

The site is surrounded by predominantly residential buildings, some with some other uses at ground floor such as education, retail and hospitality. These buildings are a mix traditional tenements and contemporary flatted dwellings. The site is bounded by modern flatted developments to the north and west. Broughton Primary School is situated to the south of the site and the former Powderhall Waste Transfer Site and the category B Listed stables block (reference LB30290, listed 23 July 1993) are located to the north-east.

2.2 Site History

12 December 2018 - Powderhall Place Brief approved by Planning Committee. This provides a set of high-level principles which shape the future development of the site. The Bowling Green site forms area 2 of the brief.

Surrounding Area

6 April 2018 - Listed building consent granted for a modern lean-to shed attached to NE elevation of original listed stable block to be demolished, stable block to be retained

and any remedial work undertaken on removal of shed (application number 18/00217/LBC).

13 August 2020 - Listed building consent application granted to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs (application number 20/03161/LBC).

13 August 2020 - Planning permission granted to extensively repair and refurbish the existing stables building, including demolition of some internal elements, renewal of all services, replacement of windows and rooflights, stone and roof repairs. Current use is office and workshop. Proposed use is office, artist studios and function/cafe space (application number 20/03162/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a mixed-use development, to include an early years nursery, accessible housing for independent living for those aged 55 and over, outdoor amenity space for Broughton Primary School and associated landscaping. Works include a new public entrance square to the north-east of the site and the widening and repaving of St. Mark's Path.

The nursery and residential units will be housed in an 'L' shaped building which will rise to four storeys to the north of the site and three storeys to the south. The proposed nursery will be situated at ground floor level, offering space for 128 pupils. A total of 27 residential units will be located at first, second and third floor levels. All residential units will be for social rent and will be a mix of one and two bedrooms. The building will be designed to Passiv Haus standard. The building uses Mechanical Ventilation with Heat Recovery (MVHR) system, served by external air source heat pumps.

The proposed development will make use of a limited palette that includes clay facing brick, pink pigmented pre-cast concrete with a textured finish at ground floor level and coloured metal work which includes a metal mesh balustrade and steel frame access balcony.

Primary entrances for the nursery and housing are located to the north-east of the site. The entrances are adjacent to each other, sharing a colonnade fronting St Marks Path. A second residential access is situated to the west of the site with access taken from Broughton Road. This also provides access to a resident's garden.

The nursery and the residential units will have access to separate gardens. The nursery garden will feature a combination of hard and soft finishes and will include equipment such as a slide, water play, shade sail and planters. A variety of different seating opportunities are proposed, ranging from individual seats (in form of rocks and timber), social seating, and quiet and enclosed areas.

Future residents will have access to a private garden covering an area of 456 square metres. Despite being partially on an extensive slope to the south of the site, an area of 294 square metres will be provided on level ground to ensure direct access. Native species have been chosen for trees, shrubs, perennials and wildflowers. The garden provides seating areas, space for drying and food growing.

To the north of the site an area of 2700 square metres will be retained as a community green for use by Broughton Primary School. To the south east of the site a new public square will be formed using land from the former Waste Transfer Site. This provides an opportunity to improve the link between McDonald Road and St. Mark's Path whilst also connecting the site with the stables block to the north-east and the future housing which will be provided on the Waste Transfer Site in the future.

The proposal includes the widening of St Mark's Path from around two metres to five metres. The northern section of the path will accommodate segregated cycle and pedestrian lanes whilst the southern part of the path, which will link into a new public square, will be a shared surface. Porous asphalt will be used on the segregated section of St. Mark's Path and the shared path across the new public square, providing a smooth surface for cyclists and other users, as well as delineating the route. Permeable clay pavements are proposed for all other public areas. Pedestrian areas are to be marked using red pavements whilst grey/herringbone pavements will indicate areas for service vehicles. Seats are located near to entrances, integrated into walls with backs and arm rests to ensure suitability for a range of ages.

Overall 48 trees are proposed for removal. This includes two trees at the proposed entrance in order to enable the development, as well as further trees affected by the upgraded cycle path and others in poor condition or which would benefit the growth of adjacent trees as part of thinning. 45 trees are to be retained including on the frontage to Broughton Road and perimeter of the amenity space and a further 38 are retained around the perimeter.

Revised Scheme

The original scheme proposed the use of pink pigment facing brick. This has been replaced with clay facing brick. The position of the building has been moved by approximately one metre to ensure the footprint of the proposed development does not fall within the root protection area of trees to the west of the site which are to be retained.

Supporting Documents

The following documents have been submitted in support of the application:

- Tree Constraints Plan;
- Arboricultural Method Statement;
- Tree Survey;
- Tree Schedule;
- Pre-Application Consultation Report;
- Site Investigation Report;
- Landscape Design and Access Statement;
- Landscape Maintenance Schedule;

- S1 Sustainability Form;
- Surface Water Management Plan;
- Transport Appraisal;
- Ecology Appraisal;
- Noise Impact Assessment;
- Secured By Design Report.

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

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.

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 is acceptable;
- b) the impact on the setting of the listed building is acceptable;
- c) the design and layout are appropriate to the site;
- d) whether there are amenity issues for existing and future residents;
- e) the proposal will raise any traffic, parking or road safety issues;
- f) there are any other planning matters; and
- g) any comments have been addressed.

a) Principle

Place Brief

The application site is situated within an area covered by the Powderhall Place Brief. The brief was prepared to help guide future proposals for the housing-led, mixed use redevelopment of the site, comprising of the former Powderhall Waste Transfer Station, including the category B listed Stables Block and the former bowling greens. The Brief was approved by the Planning Committee in 2018. The delivery strategy for the Powderhall Site was approved at the Housing, Homelessness, and Fair Work

Committee in August 2019. The Place Brief sets out a three-phase approach. This application relates to Phase 2 of the delivery plan. The Place Brief notes that this area should include the following uses:

- Nursery;
- Housing for the elderly;
- Affordable family housing;
- Green space.

The Brief also states that development in this location should deliver a strong built frontage along Broughton Road.

Deviation from the Brief

Although affordable homes for older residents are proposed as part of this application, affordable family homes are not. However, dedicated family housing for all tenures will be included in Area 1, the final phase of the masterplan. Of the 27 residential units proposed, 10 are designed to be fully wheelchair accessible; complying with the Wheelchair Accessible Housing for Varying Needs requirements set out by Scottish Government. The remaining 17 units have been designed to accommodate wheelchair users and to allow for future adaptations as may be required. Although the purpose of the scheme is to develop housing for older residents, the flats have been designed to be adaptable and given the generous sizing of the proposed units it would be theoretically possible for these units to be converted to family homes in future.

The proposed positioning of the nursery and residential units, set back from Broughton, also deviates from the Place Brief which indicated that development should provide a built frontage along Broughton Road. This is discussed in more detail in section 3.3b) of the report.

Residential

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of residential development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan.

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 on-site. In this instance all twenty-seven proposed units will be for social rent. As the proposal is a Council scheme it is recommended the proposed units are secured through a Memorandum of Understanding rather than a Section 75 Agreement.

The proposal exceeds the requirements of LDP policy Hou 6

Nursery

The site lies within the urban area of the Edinburgh Local Development Plan (LDP). There are no specific policies on the location of new education facilities in these areas. The nursery will be located within an area which has a range of uses including other educational facilities and residential properties. The site is highly accessible by public transport and active travel. The proposed use will serve the local community, and this is supported unless there would be an adverse effect on residential amenity. This is fully addressed in section 3.3c) and 3.3d) of this assessment.

Open Space

The northern bowling green is designated as open space in the LDP. LDP Policy Env 18 (Open Space Protection) criterion a) will only support development on open space where the loss would not result in a significant impact on the quality or character of the local environment. Although the wider site is to be developed, the former bowling green to the north of the site will remain as soft landscaping. The development of the wider site will not have a detrimental impact on the local environment. Positive attributes of the existing site; including the trees which line the southern boundary of the site are to be retained. A wide range of seasonal planting is to be provided throughout the site and a new public square which takes land from the existing Waste Transfer site will provide an attractive setting for the public to gather and socialise.

Criterion b) supports the loss of open space only where it is considered as a small part of a larger area of open space and there is a significant over-provision in the area. Criterion c) seeks to ensure that the loss of open space would not be detrimental to the wider network or biodiversity value. The former bowling green to the north of the site does not form part of a continuous green network. The proposals will increase the biodiversity of this area and the wider site through varied, seasonal planting, the addition of new trees and the removal of the subsiding pavilion and associated hard landscaping.

Criterion d) ensures that any loss of open space must provide benefits to the local community through alternative provision or improvements to existing open space. In this instance the proposed open space is to be retained for the benefit of the local school, providing space for school activities including after school club activities. The wider development will provide public spaces to gather and socialise and make improvements to active travel routes which considers the needs of all user groups. In addition part e) of the policy could also apply with the provision of the nursery providing a community purpose with the benefits to the community outweighing any loss.

The proposal broadly complies with LDP Policy Env 18 (Open Space Protection). A large area of open space is retained as soft landscaping and will be used to benefit the local primary school. The open space has been restricted in use as a bowling green and did not function as a public amenity area. The development will therefore not result in the loss of publicly accessible green space. Development of the wider site will provide publicly accessible open space and the upgraded St Mark's Path will benefit the wider area.

Loss of Playing Field

Criterion d) of Policy Env 19 (Protection of Outdoor Sports Facilities) states , the loss of some or all of a playing field or sports pitch will be permitted only where the Council is satisfied that there is a clear excess of sports pitches to meet current and anticipated future demand in the area, and the site can be developed without detriment to the overall quality of provision.

Edinburgh Leisure reported a significant decline in the use of public bowling greens, declining 13% from 2007 to 2012. However, the peak decline from 2010 which recorded 2,115 visits dropped by 36% by 2012 to just 1,351. As a result, the decision was taken to close the two bowling greens to the south of the site, allowing the nearby primary school to use this space whilst retaining the green to the north for remaining members. However, use of the remaining green continued to decline and in 2015 the pavilion on the site was condemned following the discovery of subsidence. In tandem with the continued decline in use, this led to the closure of the remaining green. Edinburgh Leisure advise that greens at Victoria Park, 0.8 miles away have absorbed all the previous use at Powderhall. The governing body for the sport, Bowls Scotland has provided information on membership numbers in surrounding clubs. This indicates there is ample capacity in surrounding bowls clubs for new members. SportScotland were consulted as part of the assessment of this application and on the basis of the information above has not objected to the proposals.

Given the information available, the current supply (excluding these 3 greens) will meet current and future demand. The proposal complies with LDP Policy Env 19.

b) Setting of Listed Building

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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

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

LDP Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

The development is adjacent to the B listed stables block. The setting of the listed building will be enhanced by the new civic square next to it and the development of the nursery/ residential building will sit back from the street and allow the listed building to continue to have prominence on the street edge.

c) Design and Layout

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. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning Permission will not be granted for poor quality or inappropriate design of for proposals that would be damaging to the character or appearance of the area around it.

Des 2 (Co-Ordinated Development) states planning permission will be granted for development which will not compromise: the effective development of adjacent land; or the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) notes planning permission will be granted for development 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) notes that where surrounding development is fragmented or poor quality, development proposals should help repair urban fabric, establish model forms of development and generate coherence and distinctiveness, i.e. a sense of place. These requirements are further reinforced through the Edinburgh Design Guidance.

LDP Policy Des 7 (Layout Design) requires that a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken.

LDP Policy Des 8 (Public Realm and Landscape Design), states that permission will be granted for development where all external spaces and features, including streets, footpaths, civic spaces and boundary treatments have been designed as an integral part of a scheme as a whole.

LDP Policy Hou 4 (Housing Density) states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development.

The Edinburgh Design Guidance establishes keys aims for new development including the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

Built Form

The external materials of the surrounding area are varied with no prevailing style. Materials of neighbouring buildings include sandstone, facing brick, concrete, render and metal profile sheeting. Although the materials vary there is a palette of colours and tones which are identifiable with the surrounding area; particularly sandstone and brick in red and pink hues. Within the surrounding area there is a prevalence of repetition in fenestration patterns and horizontal banding and architectural detailing such as string courses in stonework. Buildings vary in scale between 3-5 storey buildings.

The proposed building is a modern response to the surrounding context. The building height reflects that of surrounding buildings and contextual drawings show the proposed building will sit comfortably within the existing context. The area is characterised by tenemental residential development and the proposed twenty-seven residential units will be in keeping with this density.

In terms of elevational treatment; the use of subtle recesses and projections at all ground floor windows, upper floor window surrounds and the use of clay texture brick provide interest and variation in texture. Further contrast and interest is provided through the use of pigmented cast stone. The repetitive fenestration of the proposal and the inclusion of a string course is reflective of the adjacent historic buildings along Broughton Road, Dunedin Street and McDonald Road, all of which have large, repeated windows with stone window surrounds and string coursing. The metal balustrade will be lightweight in appearance. Similar Balustrades are evident within existing residential development at the nearby Hopetoun development.

The proposed design, palette of materials and colour scheme are strongly influenced by a detailed contextual analysis of the area. The use of pre-cast concrete window surrounds, recessed windows and a metal balustrade are undoubtedly modern, but they form part of a cohesive modern design which will integrate well with the surrounding area. The proposal complies with LDP policy Des 4 (Development Design - Impact on Setting) in this regard.

Public Realm and Landscaping

Although adjacent to Broughton Road the site appears separated from surrounding development due to a prominent row of mature lime trees on the southern boundary and an extensive drop in level from Broughton Road to the site itself. Community engagement undertaken by the applicant in relation to the proposed development identified the view of the site from Broughton Road, in particular the row of prominent trees and St Mark's path as two key features to be retained. Although the Powderhall Place Brief set out an aspiration for future development to provide a strong built frontage to Broughton Road, the proposed set back of the building is supported. Any proposal to create a strong built frontage would require the removal of the lime trees and hedgerow and any attempt to locate a building close to Broughton Road but outwith the root protection zone of these trees would result in a sloped, overshadowed area of unusable space between the site and Broughton Road. The proposed set back of the building has regard to the fall in site levels from the street, existing tree planting and allows the opportunity to provide south-facing garden space for the proposed nursery and residential accommodation.

The proposed widening of St Mark's path from a width of two metres to five metres allows for the introduction of a segregated pedestrian and cycle path. The creation of a new public square, taking land from the existing Waste Transfer site which will serve as entry to the site and will serve a number of purposes allowing for the servicing of the nursery and residential units. It will also serve as an attractive social space for members of the public. The use of a wide range of seasonal planting and perimeter tree planting will reinforce the established green edge of the site. The reuse of the existing gate piers and realignment of the police box kiosk are welcomed and the integrated seating and wall with the name of St Mark's Park will assist with wayfinding and announcing the park within the wider area. The proposed public square creates a link space between the Area 2 and Area 3 (stable block) as required by the Powderhall Place Brief.

The proposed hard landscape materials have been selected to support a sense of place. Proposed alterations to St Mark's Path includes a clay paviour design for the pedestrian walkway, which is a more subtle in identifying the cycleway and walkway split in combination with a conservation kerb rather than a white line. Seating is of an inclusive design with arm and back rests being shown. The proposed seating/break out area on the St Mark's Path to the north of the site is also welcomed; creating a rest point which will enhance accessibility of the path for users of all abilities. The positioning of the proposed main building will also provide an active frontage to the entrance square and St Mark's path increasing natural surveillance of the area and promoting security.

Accessibility

Flat access to the site is provided directly from Broughton Road. Primary entrances for the nursery and housing are adjacent to each other, sharing a colonnade located at the east of the site. A further separate residential entrance is provided to the west of the site. Flat access to the private resident's garden is provided to the west of the site and stepped access is also provided to the garden directly from Broughton Road. Ramped access from Broughton Road was explored; however, due to the gradient of the land this would have resulted in the loss of a significant amount of green space which was considered unnecessary with flat access already provided elsewhere. Residential units are accessed from street level entrance closes. Access to each of the dwellings is provided via two lifts within the main close to the east of the site, and another lift within the second close to the west.

An accessible toilet is also provided within the building footprint, with direct access from outside, for Broughton Primary School children to allow better flexibility when they are using the open space to the north of the site. The location of the toilet was agreed in consultation with Broughton Primary School.

On the basis of the assessment above the proposal has drawn on the positive aspects of the existing site and has both preserved and enhanced them in line with the principles of LDP policies Des 1 and Des 3. A comprehensive and integrated approach to the layout of footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken. The proposals demonstrate that external spaces and features, including footpaths, civic spaces and boundary treatments have been designed as an integral part of a scheme as a whole. The proposal complies with LDP Policies Des 7 and Des 8

Sustainability

Policy Des 6 (Sustainable Buildings) states planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies and other features are incorporated that will reduce or minimise environmental resource use and impact.

The project is designed to meet the Passiv Haus Standard; an internationally recognised methodology, which is used throughout the design and construction process of buildings to reduce their energy demand. The proposal includes the use of triple glazing and Mechanical Ventilation with Heat Recovery. Continuous mechanical ventilation with heat recovery captures the energy stored within the air, which is leaving the building, and uses a heat exchanger to recover this free energy to pre-warm the incoming fresh air. In the summer the heat exchanger is bypassed to allow the continuous fresh air without the additional heat energy.

The proposals comply with policy Des 6.

d) Amenity

Future Occupiers

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

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

The Edinburgh Design Guidance sets out minimum internal floorspace requirements for new residential development and guidance in relation to sunlight, daylight and privacy expectations.

The proposal includes seventeen one-bedroom flats with gross internal floor areas ranging between 65-75 square metres and 10 two bed flats with gross internal floor areas ranging between 88-113 square metres. This exceeds the requirements set out in Edinburgh Design Guidance. Access to green space is provided entirely onsite with no need to rely on off-site provision or space within public parks. Residents will have access to a communal garden covering an area of 456 square metres. despite being partially on an extensive slope to the south of the site, an area of 294 square metres will be provided on level ground. This exceeds the ten square metres per flat requirement set out in LDP Policy Hou 3. Future occupiers will also be within walking distance of St. Mark's Park.

The open plan kitchen-living rooms of the above residential properties are oriented to maximise solar gain and are located on the South East and South West Elevations of the upper floors. The proposals comply with the No Skyline method of assessment. In addition, diagrams provided by the applicant demonstrate that the access balcony does not impede on the availability of visible sky from the working plane.

Noise

Environmental Protection recommend that the application is refused on the basis that the level of amenity afforded to the residents of the flats will be adversely impacted due to the co-location with a nursery. It is stated within the consultation response that "the noise from a nursery may not always be constant and loud in terms of decibels, however qualitatively it can be very disturbing for some people." They also advise that it can be difficult to resolve complaints arising from noise from a nursery.

With open windows, the road traffic noise level inside the accommodation is unlikely to meet the BS 8233 and World Health Organisation (WHO) recommended daytime and night-time noise levels of 35 dB and 30 dB, respectively. As the scheme proposes the use of mechanical ventilation this level will be met when windows are closed. Environmental Protection acknowledge that a closed window assessment is acceptable for any transport noise sources.

The Noise Impact Assessment provided indicates that internal noise from the nursery will be inaudible to the residential units above. The Noise Impact Assessment indicates that plant noise associated with Air Source Heat Pumps (ASHPs) and Air Handling Units will not exceed NR 25 inside first floor accommodation; including with windows open. It is important to note that the above assessment is on the basis that ASHPs run in 'Super Silenced Mode'. If the units were to run at 'Standard Mode', the noise levels would be significantly higher, and the NR 25 requirement will not be achieved. It is recommended a condition is attached to this application requiring ASHPs to be run in 'Super Silenced Mode' at all times.

With open windows, the noise level from the nursery play area inside the accommodation is predicted to exceed the WHO and BS4142 recommended daytime noise level of 35 dB. A worse-case scenario estimate of noise from the nursery play area predicts a noise level of between 60-70 dB. With windows open the building itself will provide attenuation of between 10-15 dB bringing the potential noise levels residents could be exposed to between 45-50 dB. If windows on the south elevation are closed the noise level would be expected to be between 25-35 dB, meeting the standard. As such, there will be a compromise between relying on open windows for ventilation and having a suitable indoor ambient noise level. It should be noted however that these estimates represent a worst-case scenario. Although there will be no limit on times the play area is used during the day or the number of children in this area, it is not anticipated that the area will be in constant use and the number of children present could vary considerably. In many cases the noise level will not reach this worst-case level. It should also be noted that due to the use of mechanical ventilation there is no requirement to open windows within the new development for the purposes of ventilation.

In addition to meeting the required noise level standard when windows are closed, the layout of the homes allows for a seating area or desk space within the bedrooms on to the opposite side of the property, this provides residents with an area which is away from the nursery gardens facing towards St Marks Park and beyond. It should also be noted that the intention of this development is to encourage mixing between neighbouring residents as well as between residents and the nursery to assist with reducing experiences of loneliness and social isolation. In terms of the management of the flats which will be through the Council, the intention is to set up a forum to allow for

dialogue between the new residents of the proposed scheme, the existing residents at 159 Broughton Road and the nursery staff so that concerns can be raised, discussed and resolved through open dialogue.

Given that the WHO and BS noise standards will be met when windows are closed, that residents will have access to quiet space within the units, set away from the nursery play area and that the management of the residential units will allow for dialogue with the nursery, noise will not have a detrimental impact on the amenity of future occupiers.

The proposal complies with LDP policy Des 5 and Hou 3.

Amenity - Neighbours

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

Policy Hou 7 (Inappropriate Uses in Residential Areas) will not permit a change of use which will have a materially detrimental effect on the living conditions of nearby residents.

The Vertical Sky Component method was used to check that the proposals maintain reasonable levels of daylight to the neighbouring residential building at 159 Broughton Road. This demonstrates that the proposed nursery and housing comply with this assessment. The proposed development is 25.7 metres away from the nearest residential receptor and accordingly raises no concern in relation to the overshadowing of neighbouring amenity spaces or in relation to breaching neighbouring privacy.

Noise

The NIA indicates that plant noise will not exceed NR 25 inside neighbouring residential units. In relation to the nearest residential building neighbouring the site (159 Broughton Road), the NIA predicts noise exposure of between 45-55 dB. The residents' garden within the proposed development has been located between the nursery play area and the neighbouring residential development to provide acoustic buffering.

Whilst the predicted noise levels exceed the WHO recommended daytime noise criterion 35 dB; the WHO noise level cannot be achieved even before constructing the proposed development due to high levels of road traffic noise. In relation to community noise, WHO guidance notes that exceedance of guideline values does not necessarily imply significant noise impact and indeed, it may be that significant impacts do not occur until much higher levels of noise exposure are reached.

Due to the presence of an existing primary school and an after-school club in the area it is reasonable to expect that residents are accustomed to the presence of school/nursery facilities and the noise generated by them. As well as the ongoing traffic noise, residents in the area have also typically been exposed to high levels of noise associated with the use of the Waste Transfer Site to the east of the application site.

On this basis it is considered unlikely that the level of noise resulting from the proposed development would be to the detriment of neighbouring residents and this element of the proposal is therefore acceptable in this case.

The proposal complies with LDP policies Des 5 and Hou 7.

e) Transport

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

LDP Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The applicant has submitted a Transport Assessment in support of this application. This includes a combined assessment for both this site and the wider redevelopment of the waste transfer site. This has been assessed by transport officers and is generally considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. Whilst limited information was provided detailing the potential transport impacts of this application, it is considered that due to the size and nature of the proposed development the transport impacts will be negligible. On this basis, it is considered that as the impact on traffic to the area will be negligible, there are no implications for pedestrian safety as a result of development.

As part of continuing improvements to the active travel network across the city the McDonald Road - Broughton Road junction is earmarked by the Active Travel team for improvements including potential signalisation. Whilst not included within the LDP Action Programme (February 2020), these works would be adjacent to the site and ultimately improve active travel infrastructure in the vicinity of the proposed development. However it is not considered reasonable to require a significant junction upgrade to a development of this size and nature that will have a relatively minor impact on the transport network as a whole, and whilst improvements could be made to the existing crossing it is considered that there is no detriment on the existing situation made by the proposals. It is understood that the Applicant is in discussions with the Council's Active Travel team regarding the upgrade of this junction and it will likely form part of the redevelopment of the neighbouring site.

The proposed cycle parking for the residential element of the development is located within internal cycle stores on the ground floor. A mixture of two-tier cycle parking and some Sheffield stands for non-standard bikes have been provided within these stores. With regards to the Nursery an internal store has been provided for staff cycle parking (28) made up of two-tier stands and pupil cycle and scooter parking (30) is being provided in an external store at the Nursery entrance. 14 visitor spaces made up of Sheffield stands are proposed adjacent to St Marks Path. This complies with LPD Policy Tra 3.

No car parking is proposed. The parking standards set out a requirement for one accessible car parking space to be provided. To ensure that the proposed development does not have a significant impact on St Marks Path, measures have been taken to ensure that vehicle access across St Marks Path is not required to service the site. It is understood that as part of the redevelopment of the wider site accessible car parking space will be provided in a nearby location. Based on this, and that Blue Badge Holders being exempt from certain restrictions which will allow them to park in close proximity to the development, the proposals in relation to accessible parking are considered acceptable.

A contribution of the sum of £32,500 in support of the Edinburgh Tram Line will be required, based on 27 residential units in being developed within Contribution Zone 3. This is in accordance with the approved Tram Line Developer Contributions report. With regards to the nursery use, the trip generation for this element of the development will likely be local in nature and therefore the tram is unlikely to influence the nature of these trips, so no tram contribution for the nursery use is required. As the proposals relate to a Council proposal, it is recommended that this will be secured through a Memorandum of Understanding rather than a Section 75 Agreement.

f) Other Planning Matters

Archaeology

Policy Env 8 (Protection of Important Remains) states development will not be permitted which would damage or destroy non-designated archaeological remains which the Council considers should be preserved in situ.

Policy Env 9 (Development of Sites of Archaeological Significance) states that planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation.

Historically the site formed part of the Powderhall estate. As the site overlies the site of East Powderhall House and an area associated with the seventeenth century Powder Factory from where the area of Powderhall is named it is important that this heritage is captured and interpreted within the development's public realm/open spaces especially given their civic nature. This could take the form of public art, interpretation boards and planting of heritage plant species reflecting those likely to have been used within the 18th century historic gardens/landscape associated with East Powderhall House. The scope of which will be agreed with the City of Edinburgh Council Archaeological Service. It is recommended therefore that a condition be applied to any consent granted to secure this programme of archaeological works.

Flooding

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

A Surface Water Management Plan was provided in support of this application. This was assessed and accepted by Officer's from the Council's Flood Team. The majority

of hard landscaping will be permeable with surface water permeating into the ground in the same manner as the existing conditions on site. Runoff from the new hard landscaping will be treated by its passage through the permeable surface, geotextile membrane and granular sub-base. This provides a level of treatment in excess of the requirement for the pollution hazard level.

The proposed surface water management arrangement will be capable of dealing with the run-off from a severe 1:1000+40% storm event. Scottish Water have agreed to the proposed discharge to the surface water sewer.

This element of the proposal complies with LDP policy Env 21 and is acceptable.

Trees

LDP policy Env 12 (Trees) states development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

Overall, 48 trees are proposed for removal, including two trees at the proposed entrance clashing with the layout and also trees affected by the upgraded cycle path such as Leyland Cypress hedging, as well as others in poor condition or which would benefit growth of adjacent trees as part of thinning. 45 trees are to be retained including on the frontage to Broughton Road and perimeter of the amenity space, and 38 new trees are proposed.

The proposal includes the removal of nineteen Category B trees, fourteen category C, eight category U trees and seven trees deemed too small to be classified. The design aims to retain many of the trees along St Mark's Path, which were planted by the community. Unfortunately, the trees were planted too tightly. Some have failed due to surrounding root pressure; others do not have space to develop. The proposal allows for a thinning of the trees with seventeen proposed for removal to give the remaining trees a chance to develop. The removal of nineteen large Leylandii conifers will be required to enable the widening of St Mark's Path to a comfortable segregated pedestrian and cycle path width. This will also improve the security of the existing path by increasing light to an area that's well shaded. Eight trees proposed for removal are self-seeded birch and fruit trees on the community green. Due to existing contamination of the ground a capping layer of 600mm has to be installed, which makes the removal of these trees unavoidable. Alternative arrangement for planter boxes installed by the Parent Council are to be made with Broughton Primary School. A further two trees are proposed for removal on the new square in order to form a larger entrance and delivery access.

At southwest corner of the proposed building has been moved approximately one metre from its originally proposed position to ensure works do not occur within the root protection zone of trees which are to be retained. A Method Statement has been provided outlining how retained trees on site will be protected during construction. Strict adherence to the recommendations of this Method Statement is recommended as a condition of this consent.

The proposals broadly comply with policy Env 12. Although overall the proposal will result in a net loss of ten trees there remains potential for further tree planting as part of the future development of the Waste Transfer site. Tree removals are largely limited to self-seeded trees, trees with limited life expectancy or in order to provide more space for existing trees to flourish. The removal of a cluster of Category B trees running along St. Mark's path will produce wider benefits in terms of active travel that outweigh their loss.

Ecology

LDP Policy Env 16 (Species Protection) states planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless there is an overriding public need for the development and it is demonstrated that there is no alternative; a full survey has been carried out of the current status of the species and its use of the site or suitable mitigation is proposed.

Designated Sites

One statutory designated site, Arthur's Seat Volcano Site of Special Scientific Interest, and eight Local Biodiversity Sites were located within 2km of the development. However, the SSSI is located 2km away and the closest LBS is over 200m from the site. As there are no hydrological connections between the development and these sites (Water of Leith LBS is located upstream of the development), no designated sites will be impacted upon by the proposed development.

Protected Species and Site Habitats

No evidence of bats was found during the external inspection of the existing pavilion on site. However, the lack of evidence of bats should not be interpreted as an indication that no roosts or roosting bats exist within the site, as they may be utilising the structure at other times of year or using features that cannot be fully inspected. The bowling pavilion has moderate suitability for summer roosting bats, and as such would usually require two activity surveys carried out between May and September, with at least one survey between May and August. However, it is the view of the City of Edinburgh Council that the former pavilion needs to be demolished as soon as possible due to health and safety concerns the building represents in its current state. The building is subject to subsidence and has been condemned as unsafe. Therefore, a deviation from the guidelines is considered acceptable in this case due to the health and safety concerns. As an alternative, a licensed bat worker will attend site during the demolition to supervise the careful destruction of all the potential roost features identified during the Preliminary Roost Assessment. If bats are found they will be moved by the licensed bat worker, wearing gloves, to a bat box which will be installed in the woodland to the north of the building. After discovering a bat, all works will have to cease until a licence has been granted to allow the destruction of a bat roost.

Although the Water of Leith provides suitable habitat for otter and water vole, it is not considered that the habitat will be impacted upon by the works. No evidence of badgers was identified within the survey area, but a single mammal hole was located adjacent to the bowling green site, which appears to be in use by foxes for breeding was discovered. A 30 metre buffer must be installed around these mammal holes to ensure there is no potential destruction of any tunnels. Suitable habitat exists within

and around the survey area for a number of bird species. All bird's nests are protected by law through the Wildlife and Countryside Act, 1981.

Overall, the inclusion of species-rich meadow in the landscaping plans as well as the planting of native trees will both benefit the priority species, bees, hoverflies and beetles and compensate for the loss of grassland currently provided by the derelict bowling green.

The proposal complies with policy Env 16.

Developer Contributions - Education

The application site is located within the Drummond Education Contribution Zone; as outlined in the Developer Contributions and Infrastructure Delivery Supplementary Guidance. Contributions are required for residential development within this catchment to mitigate potential impacts on Broughton Primary School. However, as the proposals relate to housing for those aged 55 and over, Communities and Families have indicated they will not request a contribution as the scheme will not increase pressure on the Primary School. Although the Planning Authority has no control over future occupants of the proposed scheme, the application does relate to a City of Edinburgh Council project and Housing has indicated that Title Deeds relating to the proposed units will ensure that the units will be for those aged 55 and over. The Planning Authority is satisfied that no contribution is required in this case.

Contaminated Land

Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted for development where there will be no significant adverse effects for health, the environment and amenity and that appropriate mitigation to minimise any adverse effects can be provided.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new uses. The applicant has submitted a Ground Investigation. The report notes the presence of toxic and phytotoxic contaminants encountered within the made ground soils across the proposed development site. The report is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

g) Public Comments

Material Comments - Objection

- Scale, height and design of buildings; this is addressed in section 3.3b) of the main report.
- Proposal will overshadow gardens and surrounding amenity space; this is addressed in section 3.3c) of the main report.
- Development does not include enough car parking provision; this is assessed in section 3.3d) of the main report.
- Loss of habitat; this is assessed in section 3.3e) of the main report.

- Objects to the removal of healthy trees; this is addressed in section 3.3e) of the main report.
- Widening of St Mark's Path will result in a loss of amenity space for Broughton Primary School; this is addressed in section 3.3b) of the main report.
- Loss of recreation and greenspace for public; this is addressed in section 3.3a) of the main report.
- Contrary to Env 18 (Open Space); this this addressed in section 3.3a) of the report.
- Loss of green space contrary to Des 7; this is addressed in section 3.3a) of the main report.
- Density contrary to Hou 4; this is addressed in section 3.3b) of the main report.
- Loss of greenspace is contrary to Scottish Government policy; this is addressed in section 3.3a) of the main report.
- Over-use of the public park; this is addressed in section 3.3c) of the main report.
- Loss of public open space is contrary to CEC Open Space Strategy; this is addressed in section 3.3a) of the main report.
- Contrary to Env 22 due to traffic and noise pollution; this is addressed in section 3.3c) and 3.3e) of the main report.
- Does not provide up to date traffic data; this is addressed in section 3.3d) of the main report.
- Junction at Broughton Road not designed to take this level of traffic; this is addressed in section 3.3d) of the main report.
- Concern about pedestrian safety; this is addressed in section 3.3d) of the main report.
- Noise from nursery will breach BS and WHO standard; this is addressed in section 3.3c) of the main report.
- Loss of fruit trees and planters; this is addressed in section 3.3e) of the main report.
- Concern about location of accessible toilet away from the main gate; this is addressed in section 3.3b) of the main report.
- Waste transfer site should be used to accommodate St Mark's Path widening this is addressed in section 3.3b) of the main report.

Material Comments - Support

- Provision of good quality green space; this is addressed in section 3.3b) of the main report.
- Attractive landscaping; this is addressed in section 3.3b) of the main report.
- Widening of St Mark's Path to provide a separate cycle path; this is addressed in section 3.3b) of the main report.

Non-Material Comments

- Future travel connection may impact land owned by Powderhall Village Owners Association; the reference of to a future travel connection does not impact the assessment of the current application and the ownership of land is a civil matter, not a matter for planning.
- Parking wardens will be required; this is not a planning matter.

- Loss of green space contrary to Hou 10 (Community Facilities); green space is not a community facility and the protection and loss of green and open space is covered in other policies.
- Loss of green space contrary to Des 5 (Amenity); the loss of greenspace is covered by other LDP policies and this is addressed in the main report.
- Overdevelopment - over 3000 new units consented in the surrounding area; each proposal is assessed on its own merit.
- Pavement outside of Stables Is insufficient for pedestrians at 1.5 metres; this area is outwith the boundary of the application.
- Proposal should include a "Park and Stride system" from McDonald Road and Annandale Street; this area is outwith the application boundary.

CONCLUSION

The proposal is acceptable in principle and development of open space and the subsequent loss of a playing field is justified. The proposals deviate from the Powderhall Place Brief. However, this is fully justified and acceptable in this case. The proposals comply with the relevant design policies set out in the Local Development Plan and exceed the requirements of LDP Policy Hou 6 in terms of affordable housing provision. The proposals are of a suitable scale, form and design and will not have a detrimental impact on the character of the surrounding area. The proposals will not have a detrimental impact on neighbouring amenity and the proposals will achieve a good level of amenity for future occupiers. Although potential noise levels experienced by neighbours and future residents may in some cases exceed recommended levels it is not anticipated this will be to their detriment given the existing noise environment of the surrounding area and mitigation measures included as part of the proposal. The proposals comply with LDP transport policies and parking standards.

The proposals broadly comply with the policies of the Local Development Plan and relevant non-statutory guidance. All infringements of policy and guidance have been justified. A legal agreement is required in relation to contributions to the Edinburgh Tram Line.

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

3.4 Conditions/reasons/informatives

Conditions:

1. Prior to the commencement of the construction of the superstructure or above ground works, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to initiation of the scheme hereby consented the applicant must secure and implement a programme of archaeological work (interpretation, public engagement) in accordance with a historic interpretation plan which has been submitted by the applicant and approved by the Planning Authority.

3. 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" as specified by the Tree Protection Plan. All works shall be carried out in accordance with the Arboricultural Method Statement submitted 12 July 2021.
4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the approval of the Planning Authority.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. Air Source Heat Pumps and Air Handling Units must operate in the 'Super Silenced Mode' setting at all times to ensure noise egress does not exceed NR 25 in relation to the residential units hereby consented and in relation to existing neighbours.
7. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
8. The following noise protection measures to the proposed development, as defined in the Sandy Brown 'Noise Impact Assessment' report (20313-R01-D), dated 16 July 2021:
 - The proposed floor build-up between the nursery and the residential flats consists of 22 mm chipboard on 19 mm plank on 100 mm timber battens with an integral resilient layer, on 100 mm concrete screed on 150 mm normal weight pre-cast concrete slab, with 1 layer of 12.5 mm plasterboard and 1 layer of 19 mm plank installed at approximately 100 mm below the underside of the concrete slab, and 100 mm mineral fibre insulation in the cavity. The floor build-up is shown in Figure 5 of the NIA.
 - Glazing units with a minimum specification of 10mm/16mm (argon air gap)/6 mm double glazing shall be installed for the external doors and windows of residential units located in 'zone 1' as illustrated in figure 3.

- Glazing units with a minimum specification of 8mm/16mm (argon air gap)/4 mm/16mm (argon air gap)/4mm triple glazing shall be installed for the external doors and windows of residential units located in 'zone 2' as illustrated in figure 3.

shall be carried out in full and completed prior to the development being occupied.

9. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour (or otherwise agreed with the Planning Authority), as show on drawing no. PBGS-RSP-NR-XX-DR-M-50209 dated 29/06/2021 shall be implemented.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard trees which are to be retained.
4. In order to safeguard trees which are to be retained.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site
6. In order to protect the amenity of neighbours and future occupiers of the development.
7. To safeguard public safety.
8. In order to protect the amenity of the occupiers of the development.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives:

It should be noted that:

1. Consent shall not be issued until a memorandum of understanding, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

The applicant will be required to contribute the sum of £32,500 (based on 27 residential units in Zone 3) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

Affordable Housing

The applicant will be required to provide 27 residential units on site for affordable rent.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The applicant should seek to relocate the existing toucan crossing on Broughton Road and bring it onto the pedestrian and cyclist desire line from St Marks Path.
6. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details
8. A Quality Audit, as set out in Designing Streets, should be submitted prior to the grant of Road Construction Consent.
9. The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for

local public transport and for the Nursery element of the development the applicant should seek to engage with the Council's Road Safety and Active Travel Liaison Officer for this area.

10. Vegetation clearance works should be undertaken outside of the nesting bird season (March-August). If this is not possible, a nesting birdcheck should be undertaken by an ecologist prior to works commencing. Should it be necessary to clear ground during the bird nesting season the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
11. During construction a buffer zone of thirty metres must be maintained around mammal holes identified within the Preliminary Ecology Appraisal undertaken by Echoes Ecology on 5 March 2021.
12. To meet the City of Edinburgh Council's criterion, the plant noise levels must not exceed the following limits:
 - The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
 - MVHR and AHU nursery: noise from the case breakout, intake and exhaust of the plant must not exceed the respective sound power levels given Appendix C (Table C1)
 - HRU: noise from the intake and extract must not exceed a sound power level of Lw 57 dBA. Noise from the intake meets this requirement, and the extract duct will be fitted with a suitable silencer to meet the requirement. The silencer selection is yet to be made.

AHU kitchen: noise from the intake and exhaust must not exceed a sound power level of Lw 60 dBA. Both the intake and exhaust duct will be fitted with suitable silencers to meet this requirement. The silencer selections are yet to be made.

Noise levels in plant rooms should not exceed LAeq 70 dB to avoid causing disturbance in adjacent spaces to the plant room.

It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

NOTE:

- To maintain the high sound insulation performance of the separating floor, all service penetrations must be suitably sealed. Any sound-absorbing treatment in the nursery will need to be installed below the plasterboard ceiling.

- Areas where noisy activities are likely to occur should be placed as far from the residential flats as possible.
- Given the Passivhaus design, residents do not need to open their windows for ventilation and fresh air and it is likely these will remain closed for much of the year due to the Mechanical Ventilation with Heat Recovery (MVHR) systems. In summer months residents have the option of keeping their windows closed, opening them for short periods of time for purge ventilation, or keeping them open
- Despite the soft nature of the ground surface and furniture, management and tight control of activities and associated noise levels would be required because the main noise (if not controlled) would be from children shouting, screaming, etc, which does not depend on the ground surface

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 12 February 2021. Eighteen representations have been received; fourteen object, two are in support and two take a neutral stance. These comments are summarised and addressed in the Assessment section of the 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

Edinburgh Local Development Plan.

Date registered

26 January 2021

Drawing numbers/Scheme

01,02A-03A,04-08,09A-10A,11-16,17A-
22A,23,24A,25A-26A,27-30,

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

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 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

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

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 19 (The Protection of Outdoor Sports Facilities) sets criteria for assessing the loss of outdoor sports facilities.

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

**Application for Planning Permission 21/00381/FUL
At Powderhall Bowling Green, Broughton Road, Edinburgh
Phase 2 of 3 phase masterplan at Powderhall. Phase 2 is the
former Bowling Green Site, this area is a mixed use
development, to include an early years nursery, accessible
housing for independent living for those aged 55 and over,
outdoor amenity space for Broughton Primary School and
associated landscaping, including new public entrance
square and enhanced landscaping works to St Mark's Path.**

Consultations

Transport

Summary Response

No objections subject to appropriate conditions and informatives.

Full Response

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to:
 - a. contribute the sum of £32,500 (based on 27 residential units in Zone 3) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - b. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
2. The applicant should seek to relocate the existing toucan crossing on Broughton Road and bring it onto the pedestrian and cyclist desire line from St Marks Path;
3. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials,

structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;

6. The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport and for the Nursery element of the development the applicant should seek to engage with the Council's Road Safety and Active Travel Liaison Officer for this area.

Note:

I. The application has been assessed under the current parking standards within the Edinburgh Design Guidance. These permit the following for 27 residential units and a 128-pupil nursery:

a. a. A maximum of 31 car parking spaces (1 space per residential unit and 1 space per 30 pupils). Zero car parking is proposed as part of this development;

b. b. A minimum of 68 cycle parking spaces, (54 for the residential element, 2 spaces per 2/3 room unit. 14 spaces for the nursery, 1 space per 9 pupils). 130 cycle parking spaces are proposed in total, made up of 58 cycle parking spaces for the residential element and 58 cycle parking spaces for the Nursery element and 14 visitor cycle parking spaces;

c. A minimum of 1 accessible parking space is required. 0 dedicated accessible parking is proposed;

d. d. No requirement for EV or motorcycle due to proposed zero car parking.

II. The proposed car parking provision is based on the site's accessibility to public transport, active travel routes and surrounding services and amenities. The proposed uses (residential use for over 55-year olds and Nursery) are not expected to generate significant levels of car trips. Also it should be noted that the site is located within the Bonnington area which is earmarked for a Controlled Parking Zone (Strategic Parking Review) which is currently anticipated to be implemented by autumn 2022. The proposed level of car parking is compliant with the current parking standards and based on the justification provided is considered acceptable;

III. The proposed cycle parking for the residential element of the development is located within internal cycle stores on the ground floor. A mixture of two-tier cycle parking and some Sheffield stands for non-standard bikes have been provided within these stores. With regards to the Nursery an internal store has been provided for staff cycle parking (28) made up of two-tier stands and pupil cycle and scooter parking (30) is being provided in an external store at the Nursery entrance. 14 visitor spaces made up of Sheffield stands are proposed adjacent to St Marks Path;

IV. The parking standards set out a requirement for 1 accessible car parking space to be provided. To ensure that the proposed development does not have a significant impact on St Marks Path measures have been taken to ensure that vehicle access across St Marks Path is not required to service the site. It is understood that as part of

the redevelopment of the wider site accessible car parking space will be provided in a nearby location. Based on this and that Blue Badge Holders being exempt from certain restrictions which will allow them to park in close proximity to the development the proposals in relation to accessible parking are considered acceptable.

V. A transport assessment has been submitted in support of the application, this includes a combined assessment for both this site and the wider redevelopment of the waste transfer site. This has been assessed by transport officers and is generally considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.

Whilst limited information was provided detailing the potential transport impacts of this application, it is considered that due to the size and nature of the proposed development the transport impacts will be negligible. The submitted document is generally in line with the published guidelines on transport assessments.

VI. With regards to the stepped residential access towards the south-east corner of the site, it is understood that the applicant has explored the potential for an access ramp and due to the necessary gradients, any ramp here would require a significant area of the private residential amenity space to be accommodated, therefore steps have been proposed. With this information and a reasonable level access provision at the northern end of the site that has good connections to the active travel route and neighbouring bus stops, and with these steps proposed as an entirely private access and will not form part of a public route the stepped access is considered acceptable;

VII. As part of the proposals for this site the applicant is proposing an upgrade to St Marks Path, including widening, resurfacing, landscaping, urban realm improvements and formal segregation between users. These Improvements are being taken forward with input from CEC's Active Travel team and Sustrans. It is understood Further improvements and connections to existing neighbourhoods are proposed as part of the wider redevelopment of the site.

VIII. As part of continuing improvements to the active travel network across the city the McDonald Road - Broughton Road junction is earmarked by the Active Travel team for improvements including potential signalisation. Whilst not included within the LDP Action Programme (February 2020) these works would be adjacent to the site and ultimately improve active travel infrastructure in the vicinity of the proposed development. However it is not considered reasonable to require a significant junction upgrade to a development of this size and nature that will have a relatively minor impact on the transport network as a whole, and whilst improvements could be made to the existing crossing it is considered that there is no detriment on the existing situation made by the proposals. It is understood that the Applicant is in discussions with CEC's Active Travel team regarding the upgrade of this junction and it will likely form part of the redevelopment of the neighbouring site;

IX. The site is considered to be approximately 745m from the proposed tram stop/halt on Leith Walk, this places the site in zone 3 of the Tram Contribution zone. The residential element is based on 27 residential units. With regards to the Nursery use the trip generation for this element of the development will likely be local in nature and therefore the tram is unlikely to influence the nature of these trips, so no tram contribution for the Nursery use is required.

X. There are currently no outstanding transport actions within the LDP Action Programme (February 2020) that are considered relevant to this site, therefore there is no requirement for transport contributions over and above the outlined tram contribution.

Archaeology

Further to your consultation request, I would like to make the following revised comments and recommendations in respect to application for Phase 2 of the 3-phase masterplan at Powderhall. Phase 2 is the former Bowling Green Site, this area is a mixed use development, to include an early years nursery, accessible housing for independent living for those aged 55 and over, outdoor amenity space for Broughton Primary School and associated landscaping, including new public entrance square and enhanced landscaping works to St Mark's Path.

The application site is principally occupied by the 20th century Powderhall Bowling Green. Historically the site formed part of the Powderhall estate. The first known development on or close to the site was the construction of a Powder (Gun) factory in 1695, the exact location of which is unknown. In the mid-18th century East Powderhall House was constructed on the site now occupied by northern bowling green. Historic maps show this locally important house as sitting within a wider historic landscape shared with West Powderhall House adjacent. East Powderhall constructed in 1761 for James Balfour survived until the last quarter of the 19th century when it appears to have been demolished for the construction of the Powderhall Destructor at sometime between the OS maps of 1876 & 1893. These OS and the earlier maps show that the southern half of the site was gradually quarried away for sand during the second half of the 19th century, though it is not known if this fate befell East Powderhall House.

As such the site has been identified as occurring within an area being of archaeological and historic significance. Accordingly, this application must be considered under terms of 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 DES3, 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.

Buried Archaeology

The site of East Powderhall House occurs under the northern bowling green, an area earmarked for open public realm/space for Broughton Primary School. The site investigation report by Mason Reed indicates that this part of the site is covered by over 3m of made ground as such if the remains of this locally important house do survive, they will be preserved insitu.

Mason Reed's site investigation results further support the historic map evidence for the southern half of the site (at least) being quarried away for sand extraction in the 19th century with the resulting sand past being infilled with landfill/rubbish.

As such based upon this it has been concluded that the proposed development will not have a significant impact upon any potential insitu remains.

Archaeological Interpretation/Public engagement

As mentioned above the site overlies the site of East Powderhall House and an area associated with the 17th century Powder Factory from whence the area of Powderhall is named. As such it is considered important that this important heritage is captured and interpreted within the development's public realm/open spaces especially given their civic nature. This could take the form of public art, interpretation boards and planting of heritage plant species reflecting those likely to have been used within the 18th century historic gardens/landscape associated with East Powderhall House. The scope of which will be agreed with CECAS.

It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following condition;

'Prior to first occupation of the dwellings hereby consented the applicant must secure and implement a programme of archaeological work (interpretation, public engagement) in accordance with a historic interpretation plan 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.

SportScotland

The application site includes 3 former bowling greens. We are guided by the provisions of Scottish Planning Policy paragraph 226 (which is mirrored in LDP policy ENV19 'Protection of Outdoor Sports Facilities') when considering planning applications that impact on outdoor sports facilities, this states:

"Outdoor sports facilities should not be redeveloped except where:

- o the proposed development is ancillary to the principal use of the site as an outdoor sports facility;
- o the proposed development involves only a minor part of the outdoor sports facility and would not affect its use and potential for sport and training;
- o the outdoor sports facility which would be lost would be replaced either by a new facility of comparable or greater benefit for sport in a location that is convenient for users, or by the upgrading of an existing outdoor sports facility to provide a facility of better quality on the same site or at another location that is convenient for users and maintains or improves the overall playing capacity in the area; or
- o the relevant strategy (see paragraph 224) and consultation with sportscotland show that there is a clear excess of provision to meet current and anticipated demand in the area, and that the site would be developed without detriment to the overall quality of provision."

Bullet points 1-3 are not relevant in this case.

We are unaware of a Council wide strategy that considers the supply of and demand for bowling greens.

In the context of the pre-application consultation in relation to this site, Edinburgh Leisure, who previously operated the greens, provided background information. This was in the form of details of consultation undertaken in 2014 on the change of use of several bowling greens across the city due to declining use, including Powderhall. At this time, the front 2 greens were transferred to the school opposite for play space. The third green has seen no further use for bowls. Edinburgh Leisure advise that greens at Victoria Park, 0.8 miles away have absorbed all the previous use at Powderhall. Given that this pre-application information was provided in 2018 we contacted Edinburgh Leisure again in the context of this application to check if there had been any changes to this information. They have advised that there has not been and that public bowling facilities remain at Victoria Park (obviously temporarily impacted due to current restrictions).

We have asked the governing body for the sport, Bowls Scotland, for information on membership numbers in surrounding clubs. They have provided this and based on that information, there is ample capacity in surrounding bowls clubs for new members.

Given the information available, the evidence suggests that there is an excess of provision, and that current supply (excluding these 3 greens) will meet current and future demand.

On that basis, I confirm there is no objection to this application.

Our consultation relates to the use of the site as an outdoor sports facility, in this case bowling greens. Our remit does not extend to its wider green or open space value, which is for the Council as planning authority to assess.

Housing Management and Development

Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

- o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.
- o 25% of the total number of units proposed should be affordable housing.
- o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here: <https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of up to 27 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (6) homes of approved affordable tenures. The applicant (The City of Edinburgh Council) has stated

that the affordable housing will account for 100% of the new homes across the site. This will also count towards the overall affordable housing requirement across the wider site.

The affordable housing comprises of 17 x 1 bed homes and 10 x 2 bed homes.

The applicant has confirmed that 100% of the affordable housing will be for social rent and that 10 of the 27 units will be wheelchair adapted. All of the units have been designed to housing for varying needs standards and to The City of Edinburgh Council housing design requirements.

The City of Edinburgh Council will also be the landlord for the social rented homes.

3. Summary

The applicant has made a commitment to provide 100% on site affordable housing and will issue a memorandum of understanding to the planning authority, to commit to the delivery of the affordable homes.

This approach which will assist in the delivery of a mixed sustainable community:

- o The applicant has submitted an "Affordable Housing Statement", setting out their approach to the following points and which is a public document available on the City of Edinburgh Council's Planning Portal
- o The applicant has agreed the tenure type and location of the affordable homes prior to the submission of a planning application
- o The City of Edinburgh Council will be the landlord for the social rented homes
- o The applicant has made provision for a minimum of 70% of the affordable housing on site to be social rent
- o The affordable homes have been designed to The City of Edinburgh council's design requirements
- o The applicant will issue a memorandum of understanding to the planning authority, to commit to the delivery of the affordable homes

The provision of affordable housing proposed in the scheme is acceptable to Housing Management and Development.

Environmental Protection

This application is for the second phase of a wider masterplan and consists of a mixed-use building incorporating an early-years nursery for up to 128 children with associated external play spaces, flatted properties above the nursery for 'older persons', and an area of open amenity space to the west of the nursery to be used by Broughton Primary School and Broughton after school club, both of which are located outside the site boundary. The proposal has no car parking spaces proposed and is designed to 'Passivhaus Standards' which will incorporate various forms of renewable technology and good building design to ensure energy demand is low and can be met using onsite renewable energy technology.

The proposal includes several 'older person' homes (for tenants over 55 years old) co-located in the same building and overlooking an outdoor play area that could have up to 128 nursery children playing outside. The applicant has highlighted that 'Intergenerational Living' can have social, health and economic benefits and has been successful in other parts of the world. These examples seem to involve the over 'elderly' tenants being actively involved with the children in the nursery and having shared access to parts of the building too. The concept is understood but Environmental Health do already receive complaints from residents that stay near nurseries. These complaints are extremely difficult to resolve and/or demonstrate a statutory nuisance due to the nature of the noise created. The noise from a nursery may not always be constantly and loud in terms of decibels however qualitatively it can be very disturbing for some people.

Environmental Protection do have serious concerns about the proposed development. The level of amenity afforded to the residents who will be staying above the nursery. Over 50 years old is not necessarily elderly with occupants likely to be still actively working as pensionable age is 66 years old. It is often shift workers with no young children who are disturbed by this type of noise and more recently people who are now working from home. Its difficult to see a simple solution to this other than separation of the uses which goes against the overall ethos. However Environmental Protection did highlight at the pre-planning stage that this concept was not a good idea due to the poor level of amenity that would be afforded to the over 50's tenants. This advice has been dismissed, but the applicant has submitted two supporting noise impact assessments (NIAs).

Environmental Protection have assessed the NIA's and our opinion remains the same we cannot support this Planning Application. The applicants noise consultant carried out noise measurements onsite to determine the existing noise climate at the site. The daytime and night-time noise levels at the location of the nearest proposed facade to Broughton Road are predicted to be daytime 61 dB and night-time 53 dB, respectively. Lower noise levels are predicted at the locations of facades farther from the main road. The NIA has split the development into zones 1 & 2 which relates to the level of exposure to noise. The NIA states that to control noise ingress, the facades of the building must have the following minimum sound insulation performance requirements, Zone 1 - composite sound insulation of 33 dB and Zone 2 a composite sound insulation of 40 dB to meet our noise criterial. The NIA has highlighted specific levels relating to proposed plant that demonstrates how a satisfactory level of amenity could be achieved. It may rely on the tenants closing their windows to achieve these sound reduction levels. Environmental Protection would expect this noise criteria to be achieved with an open window.

To control noise transmission from within the nursery to the accommodation above, the separating floor between the nursery and the first-floor flats will need to be of a minimum sound insulation performance of 60 dB. The applicants NIA has provided specific details on how this can be achieved and if this proposal is consented would need to be included as a condition. With open windows, the road traffic noise level inside the accommodation will not meet the BS 8233 and WHO recommended daytime and night-time noise levels of 35 dB and 30dB, respectively. The recommended levels will be met if mechanical ventilation and Heat Recovery is provided (MVHRs) and windows and external doors are kept closed. A closed window assessment is acceptable for any transport noise sources. The main issue Environmental Protection

have is that the NIA has highlighted that with open windows, the noise level from the nursery play areas inside the residential flats above the nursery and the existing dwellings is predicted to exceed the WHO and BS8233 recommended daytime noise level of LAeq 35 dB, which is an indication of an adverse impact on these receivers. Whilst in the applicants NIA the stated worst-case scenario for the noise level can be as high as LAeq 70 dB outside the windows of the nearest flats. The applicant states that for the vast majority of the time and with suitable management in place they would expect the noise levels to be lower than this. The applicant has made many recommendations in the report to reduce the adverse impact but few of them can be conditioned through Planning to protect amenity as they are unenforceable. If complaints are received in the future, then Environmental Health may need to act against the nursery. Nevertheless, we have noted the recommendations below as an informative.

The applicant thinks that subjectively, people are likely to be more tolerant towards noise from children (compared to construction noise or industrial noise sources for example) if it is at a similar noise level to that of other sources. If the main sources of likely noise are moved away from the building and towards the main road, the noise from nursery activity would become closer in level to road noise and its impact would become correspondingly lower. Environmental Protection are not convinced by this argument as we do receive complaints already about noise from both Nurseries and Construction Sites. Construction sites are only operational for a short period of time, but the nursery will be there for a long time. Construction noise is regulated under specific legislation and there is often many means of mitigating construction noise impacts. Once the nurseries are operational there is often no meaningful mitigation measures that can be retrofitted. The applicant even highlights the fact that acoustic barriers would be ineffective due to the height of the residential units being proposed, it would not be possible to erect a high enough acoustic barrier to block the noise.

Therefore, Environmental Protection recommend that the application is refused due to the adverse impacts it will have on the existing and the newly proposed neighbouring amenity.

Local Air Quality is a material Planning Consideration for a proposal of this size and scale. The applicant's design from this perspective is excellent, they have incorporated renewable energy along with a Passivhaus design and no car parking. Environmental Protection applaud the design with regards local air quality.

The applicant has provided details on the proposed kitchen extraction system which demonstrates that cooking odours will be adequately dispersed with a flue terminating at a high level to ensure no cooking effluvia enters any of the neighbouring properties. Environmental Protection shall recommend a condition.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable). The applicant has submitted a Ground

Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore, Environmental Protection recommend the application is refused, if consented the following conditions should be considered;

1. Contaminated Land

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

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

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

2. The following noise protection measures to the proposed hotel, as defined in the Sandy Brown 'Noise Impact Assessment' report (20313-R01-D), dated 16 July 2021:

- The proposed floor build-up between the nursery and the residential flats consists of 22 mm chipboard on 19 mm plank on 100 mm timber battens with an integral resilient layer, on 100 mm concrete screed on 150 mm normal weight pre-cast concrete slab, with 1 layer of 12.5 mm plasterboard and 1 layer of 19 mm plank installed at approximately 100 mm below the underside of the concrete slab, and 100 mm mineral fibre insulation in the cavity. The floor build-up is shown in Figure 5 of the NIA.

- Glazing units with a minimum specification of 10mm/16mm (argon air gap)/6 mm double glazing shall be installed for the external doors and windows of residential units located in 'zone 1' as illustrated in figure 3.

- Glazing units with a minimum specification of 8mm/16mm (argon air gap)/4 mm/16mm (argon air gap)/4mm triple glazing shall be installed for the external doors and windows of residential units located in 'zone 2' as illustrated in figure 3.

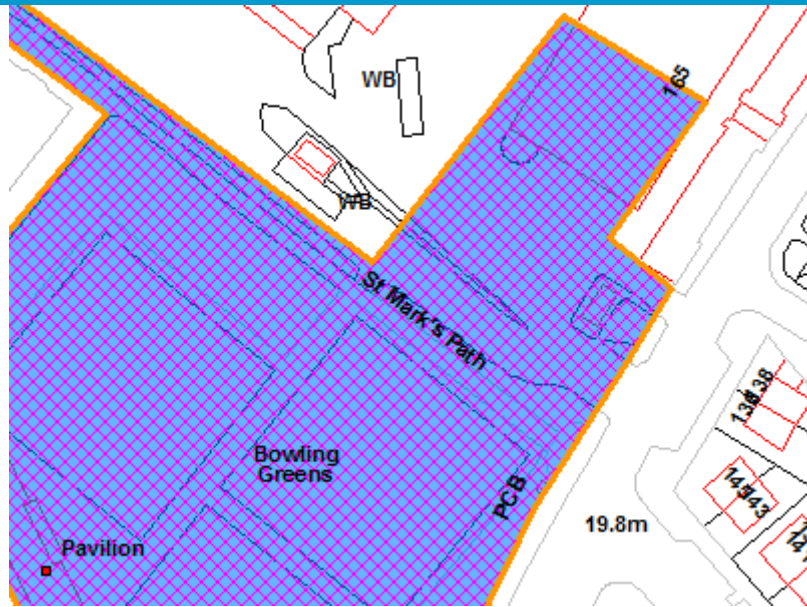
shall be carried out in full and completed prior to the development being occupied.

3. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. PBGS-RSP-NR-XX-DR-M-50209 dated 29/06/2021 shall be implemented.

Informative

- o To maintain the high sound insulation performance of the separating floor, all service penetrations must be suitably sealed. Any sound-absorbing treatment in the nursery will need to be installed below the plasterboard ceiling.
- o Areas where noisy activities are likely to occur should be placed as far from the residential flats as possible.
- o Given the Passivhaus design, residents do not need to open their windows for ventilation and fresh air and it is likely these will remain closed for much of the year due to the Mechanical Ventilation with Heat Recovery (MVHR) systems. In summer months residents have the option of keeping their windows closed, opening them for short periods of time for purge ventilation, or keeping them open
- o Despite the soft nature of the ground surface and furniture, management and tight control of activities and associated noise levels would be required because the main noise (if not controlled) would be from children shouting, screaming, etc, which does not depend on the ground surface
- o As a means of reducing the noise impact, we had recommended that the play areas be located as far away from the existing residential development as possible, which we understand has now been implemented in the design by locating the residential garden between the nursery areas and 159 Broughton Road.
For all other plant items, to meet the City of Edinburgh Council's criterion, the plant noise levels must not exceed the following limits:
 - o The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment.
- o MVHR and AHU nursery: noise from the case breakout, intake and exhaust of the plant must not exceed the respective sound power levels given Appendix C (Table C1)
- o HRU: noise from the intake and extract must not exceed a sound power level of Lw 57 dBA. Noise from the intake meets this requirement, and the extract duct will be fitted with a suitable silencer to meet the requirement. The silencer selection is yet to be made
- o AHU kitchen: noise from the intake and exhaust must not exceed a sound power level of Lw 60 dBA. Both the intake and exhaust duct will be fitted with suitable silencers to meet this requirement. The silencer selections are yet to be made.
- o noise levels in plant rooms should not exceed LAeq 70 dB to avoid causing disturbance in adjacent spaces to the plant room.
- o It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

Location Plan



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