

Development Management Sub-Committee Report

Wednesday 7 December 2022

Application for Planning Permission

Site 117 Metres Southwest Of 6, New Market Road, Edinburgh.

Proposal: Mixed-use development including built-to-rent homes and student accommodation with ancillary development including commercial use (Class 1, 2, 3, 4, 10, and 11), demolitions, public realm, landscaping and access.

Item – Committee Decision

Application Number – 22/00670/FUL

Ward – B09 - Fountainbridge/Craiglockhart

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 16 material objections have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed urban residential scheme that draws on the industrial heritage of the site to create a strong sense of place and will support the adjacent mixed uses surrounding the site. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site, along with reduced reliance on car usage. Moreover, this is an exceptional situation where opportunities for development on this site are severely restricted by the need to preserve representative parts of important listed buildings.

Alternative uses are limited for the category B listed former cattle sheds in particular, due to the industrial form, extent and condition of these structures.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site measures 1.78 hectares and is located to the south-west of New Market Road, on the south side of New Mart Road.

The site is occupied by a range of buildings that formed part of the historic 'New Markets' built between 1905 and 1918 which include the Corn Exchange to the north of the site. A significant area of the site is occupied by the category B listed former Livestock Sheds dating from 1912 by James A Williamson, Superintendent of Works, comprising a five-aisled, steel-framed cattle shelter with a corrugated asbestos and glass roof (reference LB30283, listed on 16.06.1992). These are in use as five aside football pitches. The associated rendered range of buildings along the south-east edge of the site comprising the former Milch Cow Byres and Sales Ring are listed as part of the curtilage and are in use as a tenpin bowling alley and snooker/pool hall.

The main buildings of the historic market complex are located to the north-east of the site on New Market Road and north of the site on New Mart Road as follows:

- 11 New Market Road, Corn Exchange, category B listed (reference LB30282, listed on 16.06.1992);
- 8-9 New Market Road, Newmarket Pockets, Former Market Refreshment Rooms, category C listed (reference LB30281, listed on 16.06.1992);
- 6 New Market Road, St Cuthbert`s Association Cattle Depot, category B listed (reference LB30280, listed on 10.06.1992); and
- New Mart Road, John Swan and Sons Livestock Market including Caretaker's House, gates and gatepiers, category B listed (reference LB30317, listed on 01.07.1994).

The site is mainly level with a marked drop in level between the adjacent Asda supermarket car park and range of buildings containing the tenpin bowling alley and snooker/pool hall. The primary access into the site for pedestrians and vehicles is off New Market Road and there is a historic entrance to the west of this access which is now used for servicing and deliveries to the Corn Exchange complex. Another vehicular entrance accesses the south-west corner of the site off New Mart Road through locked gates.

The surrounding area is mixed-use in character, including predominantly three-storey, modern residential flats to the immediate north beyond the former John Swan and Sons Livestock Market, now in use as offices and small-scale business units.

The Corn Exchange buildings, restored in 1999, are in use as a concert and entertainments venue with a bar/bistro occupying the former Market Refreshment Rooms and a meat wholesaler is in the historic St Cuthbert's Association Cattle Depot. An Asda supermarket and associated car park lies to the south-east of the site and a gym with extensive car parking occupies the land to the south-west of the site. The Risk Factory community centre is beyond the gym site beside the Water of Leith.

Description of the Proposal

The proposal includes the partial demolition of the former cattle sheds, cow byres and modern sheds on the site and erection of a mixed-use development comprising 393 built-to-rent (BTR) apartments and student accommodation totalling 406 bed spaces. Ancillary to this the proposed development includes residents' leisure uses - lounges, gyms, wellness spaces, games rooms, etc. and community uses, including a café/restaurant, co-working area and a wellness/yoga studio. Significant public realm, landscaping and access works form part of the application.

Demolitions/Alterations of Existing Buildings

Approximately 12% of the former Livestock Sheds will be retained in the form of four central bays of the frames (two bays wide and two bays deep) along with elements of the roof structure, including the cupola frames and timber lined 'gables. Six additional columns will be retained as freestanding elements within the landscape, including girder trusses to link the two columns immediately behind the retained shed bays. These bays will be moved forward (to the east) by one bay depth to form a central part of the masterplan design. The frames will be dismantled to ascertain which segments are in the best condition and which original/existing cladding materials can be retained. Two new pavilion buildings forming the main entrances to the will be erected below the retained structures.

The proposals seek the retention of three eastmost bays of the Milch Cow Byres and Sales Ring, equating to approximately 38% of the existing range. The section which contained the auction ring is included, along with the former milking byres and one bay of the livestock byres, which has a clock on the front facade. New community uses will be accommodated within these structures.

In addition to the larger structures detailed above, several feature elements of the listed buildings will be retained within the proposed landscaping, including several columns of the Livestock Sheds in their existing locations and stonework detailing from the former cow byres.

Site Masterplan and New Buildings

The proposed layout comprises a formal public square enclosed on two sides by the retained shed frames and auction ring/byre structures and existing buildings/enclosures outwith the development site to the east and north. The new build blocks will sit to the west of the retained historic structures, aligned north-south and with east-west running elements creating street frontages to New Mart Road to the north and the "Asda Road" to the south. A central path between the Livestock Shed frames will lead through to the more private residential areas of the site with a north-south running, tree-lined main thoroughfare.

The proposed BTR element is composed of three, seven-storey flatted blocks (Blocks 1 and 2 and Affordable), stepped down at the north-west edge of the site to four storeys (Block 1 facing New Mart Road). The new student accommodation block has a total of eight storeys and will sit to the west of the affordable block.

The architectural style of the proposed development is a blend of historic industrial inspired forms with contemporary detailing. The materials are a similar blend of traditional and modern, comprising a mix of multi-tone red and buff brick and varieties of fibre cement cladding - grey and buff with a linear texture and smooth white and buff, for the elevations. The roofs will be clad in grey standing-seam cladding. The windows, exterior doors and balustrades will be in metal. Plant will be housed mainly at lower ground and roof level throughout the buildings.

Accommodation Schedule

- BTR market price: three-bedroom x 56, two-bedroom x 82, one-bedroom x 119 and studio x 26 = 293
- BTR affordable: three-bedroom x 22, two-bedroom x 28 and one-bedroom x 50 = 100 (25% of total BTR units)
- student accommodation: shared flats - studio x 100 and ensuite cluster x 306 = 406

Landscaping/Amenity

Significant areas of soft and hard landscaping are proposed throughout the scheme, forming the new public square, main thoroughfares, connecting paths and private gardens.

There are no trees within the site. Two semi-mature Norway maples at the south-east corner of the Nuffield gym car park will be pruned back to the boundary. Semi-mature trees, including Rowan and pear, will be planted along the central avenue, within the public square and on the Asda Road edge of the site and smaller ornamental trees will be planted in the communal gardens. Raingardens will feature throughout the site along with other planted features, including shrubs, hedging, grasses and bulbs. Green roofs will form the majority of roof surfacing for the purpose of water management and biodiversity, rather than accessible green space.

The hardstanding areas will be formed in a mix of non-permeable and permeable concrete pavements in light and dark grey tones and the garden paths will be surfaced in clay paving in warm, green/yellow tones. Tactile paving will be employed on potentially hazardous areas. Private garden boundaries will be demarcated by timber fencing and hedging and gates will be formed in Corten weathered steel. The proposed street furniture comprises mainly timber-topped metal benches and cube seats.

The proposed storytelling wall of the site history located within the communal garden south of the public square will be formed of acid etched/sandblasted concrete panels with metal inserts and measure two metres in height and two and a half metres in length. Opportunities will be taken to include interactive areas of public art throughout the site.

The BTR and student units at ground floor level will have small private, soft landscaped gardens. There are areas of communal garden space for the BTR residents to the east of Blocks 1 & 2 and off the central avenue and, for the student residents, at the east end of the student block.

Lighting

Column lighting will illuminate the public and residential walkways and seating areas and feature areas, structures and trees will be highlighted by ground recessed and surfaced mounted spotlights. Bollard and LED strip lighting will also be used within the scheme.

Access

Currently, public access to the site is from New Market Road only into the north-east side, via a lane between the former Market Refreshment Rooms and St Cuthbert's Association Cattle Depot buildings. The site plan will create new pedestrian access points from the north-west (New Mart Road), south-west (Water of Leith) and south-east (Asda Road).

Within the site, the main accesses to the BTR apartments will be on the east side of Blocks 1 and 2 (through the retained cattle shed frames) and from the proposed central avenue to the east side of Block 1. The main entrance to the student accommodation will be at the south-east corner of the building. All these accesses are level.

The development is proposed as a car parking-free scheme, so vehicle access is only required for change of term (students), accessible parking, car club members, refuse collection, deliveries, maintenance and emergency vehicles. Vehicular access to the site will be from New Mart Road via a shared street (allowing vehicle access at slow speeds while prioritising pedestrians and cyclists).

A new pedestrian crossing point will be formed on Asda Road (south-east boundary) which will connect to new steps and an accessible platform lift, addressing an existing 2.5 metre level difference between the site and road. Stepped access to the site will also be introduced on this road in the form of two flights: one between the former St Cuthbert's cattle depot and retained auction ring building and the other flight running past the east end of the student block. (The new platform lift will sit at the foot of this flight.) Otherwise, the site's terrain is flat.

Bus services to and from the city centre can be accessed within a five-minute walk from New Market Road on Chesser Avenue and Slateford Road. Slateford Rail Station is a five-minute walk from the site.

The site has nearby existing active travel links including the Water of Leith path.

Servicing

Deliveries, maintenance and emergency vehicles will access the site from New Mart Road. Refuse collection will be via the same access road and bin stores have been located adjacent to the street for all new build blocks in line with CEC requirements. The existing O2 (Corn Exchange) servicing arrangement will be maintained which will involve vehicles entering the site from New Mart Road and exiting onto New Market Road via a separate lane on the eastern side.

Car/Cycle Parking

The proposal is for a car parking-free development. Two accessible parking spaces with EV charging points are proposed for tenants or visitors within the residential street. Three car club spaces will be introduced as part of the scheme on the north side of New Mart Road.

The total number of secure cycle spaces proposed is over 1,200, equating to 100% provision for the Buy-to-Rent and student accommodation tenants. These spaces will be accommodated in several cycle stores at ground level within each BTR block (including the affordable block) and at lower ground floor level of the student block via a ramp as follows:

BTR (market rent) 174 (148 sqm)

BTR (affordable) 230 (177 sqm)

BTR (communal store in former auction ring building) 356 (293 sqm + 20 sqm for non-standard spaces)

PBSA 406 (271 sqm)

All stores will be accessed via a lockable security system. There will also be a large communal store on the ground floor of the retained former auction ring building incorporating additional space for a range of cycle parking provisions as well as the potential for workshop/maintenance facilities.

Eighty-eight Sheffield cycle stands are proposed within the landscape design for short stays and visitors.

Scheme 1

The original scheme proposed:

- the retention of only the steel frames of the Livestock Sheds, without key elements of the roof structure and coverings or timber gable infills;
- 434 BTR apartments and
- a refuse store at ground floor level within the former auction ring building.

An associated application for listed building consent has been submitted for the demolition and alteration of the existing buildings on the site (application number 22/00671/LBC).

Supporting Information

- Pre-application Consultation Report;
- Heritage Statement;
- Condition Survey;
- Planning Statement;
- Social Value Statement;
- Design and Access Statement and visualisations;
- Daylight/Sunlight and Amenity Assessment;
- Phase 1 Site Investigation
- Noise Impact Assessment;
- Air Quality Assessment;
- Sustainability Form S1;
- Sustainability Statement;
- Energy Statement;
- Flood Risk Assessment and Drainage Strategy;
- Surface Water Management Plan;
- Affordable Housing Statement;
- Transport Statement;
- Waste Management information;
- Phase 1 Ecology Assessment;
- Bat Survey and
- Tree Survey.

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

Relevant Site History

21/04830/PAN
Site 117 Metres Southwest Of 6
New Market Road
Edinburgh

Redevelopment to form build-to-rent housing and purpose-built student accommodation with associated ancillary development, demolitions, public realm, landscaping and access.

Pre-application Consultation approved.
28 September 2021

Other Relevant Site History

97/00474/FUL
Site to rear of
11 New Market Road
Edinburgh
Erection of a leisure and retail development
Planning permission approved on appeal.
28 January 1998

Pre-Application process

Pre-application discussions took place including a review by the Edinburgh Urban Design Panel on 24 November 2021. The Panel's report can be viewed on the Planning and Building Standards Portal.

Consultation Engagement

Archaeologist

Hutchison/Chesser Community Council

Economic Development

Affordable Housing

Communities and Families

Flood Prevention

Scottish Water

SEPA

Edinburgh Airport

Parks and Greenspace

SportScotland

Edinburgh Access Panel

Police Scotland

Lothian and Borders Fire Brigade

Waste Services

Transport Planning

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 March 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 4 March 2022;

Site Notices Date(s): Not Applicable;

Number of Contributors: 18

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the listed building and its setting?

The following HES guidance is relevant in the determination of this application:

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Demolition of Listed Buildings
- Managing Change: Setting

Demolition

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, are the best way to protect them. Alterations to a building, even if extensive, is better than losing the building entirely.

In this case, the approach taken is to retain representative, characteristic parts of the former cattle sheds along with a section of the curtilage buildings, including the part that contained the auction ring and use these elements to inspire positive change within the area. The historic architecture has been used to influence the design of the new development and this, along with a "heritage journey" through the site will retain the essence of the site's historic industrial past and physical evidence of how it once appeared.

The assessment of this proposal falls between the first two HES Managing Change publications listed above. Under the "Use and Adaptation of Listed Buildings" the section on 'selective demolition' is most applicable, although the extent of removal in this case is substantial. However, HES defines selective demolition as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this sense, the proposed level of demolition falls into this category, given that elements of the structures to be demolished include less important component parts of the original buildings and later additions of little interest.

The final option in the "Use and Adaptation" document is 'enabling development' which in this case would mean using new build development to enable retention of more of the listed asset. However, this site is constrained in area and there is no prospect of obtaining adjacent land, so the enabling development option is not available. Even then, a fine balance has had to be reached in terms of new build development to allow meaningful retention of key elements of the listed buildings without compromising planning policy and guidance to an unacceptable extent.

HES's publication, "Demolition of Listed Buildings" applies even if part of a building is to be retained, but the proposed works would result in the loss of most of the listed building. The proposed scheme involves minority retention, even if the most representative parts, so has been assessed against the four situations described by HES. If one of the following situations applies, then the loss of a listed building is likely to be acceptable if this is clearly demonstrated and justified.

Is the building no longer of special interest?

The category B listed Livestock Sheds are of special historic interest forming part of a surviving range of buildings that formed part of the historic 'New Markets' complex, dating from the early 20th century. These markets were intended to replace and consolidate the various outmoded market facilities in central Edinburgh and were associated with two major new railway sidings providing the principal transport infrastructure serving the site. The layout for the site was set out in a master plan devised by the Public Works Office under the direction of James Williamson.

Whilst the former cattle sheds are relatively functional, backland structures, in contrast to the more former and decorative, sandstone frontage buildings, which include the Corn Exchange, they have intrinsic historic and architectural interest as a fine example of this building type and construction. This is derived from the structural scale and repetitive rhythms of the functional engineering required at this time to form five large clear span enclosures for sheltering livestock. In addition, the design is high quality with intricately detailed steel framing and glazed roof sections providing natural daylight.

The former Milch Cow Byres, although listed only as curtilage buildings, are part of this agricultural market range and form the south-east edge of the site, although facing into the site. This relatively modest, mainly rendered structure has historic interest as the site of the former auction ring and architectural interest in terms of the rhythm of its gable-on bays and stone wall head feature panels and glazed cupolas in two of the bays.

Unsympathetic alterations over the years, notably those undertaken to form the current football, bowling and snooker complexes, have had a detrimental impact on the character of both listed structures. In particular, the widening of the westernmost structural bay of the former cattle sheds involved the replacement of original columns with functional steel supports which has upset the internal structural rhythm and authenticity of this bay. Also, partial-height concrete masonry walls, netting and metal cladding were erected to enclose open areas around the perimeter of the sheds detracting from the relatively open nature of the structures. The authenticity of the roof coverings of the sheds has been affected by functional localised repairs and the original interior of the former milch byres was lost in the conversion to the current use, including the installation of suspended ceilings throughout.

However, despite these alterations, the Livestock Sheds and Milch Cow Byres remain listed structures of significant interest.

Is the building incapable of meaningful repair?

This issue is separate to that of the economic viability of any repairs, which is considered below. Most traditionally constructed buildings, even those in an advanced state of decay, can be repaired. A summary of the condition surveys carried out on these listed structures is detailed below.

Livestock Sheds

The former cattle sheds comprise five main bays of steel framed structures, covered with a series of pitched and flat roofs, with a rendered changing room block on the north side. The frames consist of cushion capital columns carrying segmental-arched lattice beams which support segmental-arched roof trusses. The external elevations are formed in a mix of masonry walls with part roughcast finish, timber boarding and corrugated metal cladding and netting.

The condition survey concludes that the metal pitched roofs covering most of the football complex are in a very poor condition and need to be replaced in full, along with the existing roof light formations. Whilst the adjoining and detached pitched roofs are in a serviceable condition, these would require remedial work.

The structural steel columns and beams appear to be fair condition, with surface corrosion to the steelwork in some areas and especially at the junction of the steel beams and segmental-arched lattices. However, the structural integrity of these areas has not been established. The various types of external walling are in poor condition and require repairs/replacement.

Milch Cow Byres

The associated milch byres have masonry external walls clad in concrete roughcast with exposed sandstone features and the north elevation is painted. Overall, the structures appear to be in fair condition, with repairs required to the external elevations, although the external structure was not visible during the condition survey due to the extent of the external and internal coverings and numerous cracks in the render finish and areas of bossing were noted. The roof structure and slated pitches are in fair condition, with slates failing in localised areas. The windows which are single glazed, painted Crittal are in reasonable condition with spot corrosion.

In summary, neither of these buildings are incapable of meaningful repair, although the repairs required are extensive and costly, these would not diminish the buildings' special interest.

Is the demolition of the building essential to delivering significant benefits to economic growth or the wider community?

The proposed development will deliver benefits to the wider community in terms of housing and associated economic growth in the area. However, these benefits are not of public significance to the extent that they could be seen to outweigh the strong presumption in favour of retaining listed buildings.

Economic viability?

The final question is whether the repair and reuse of these listed buildings is not economically viable, that is the cost of retaining the structures would be higher than their end value. In such cases, the difference in repair cost to end value is known as the 'conservation deficit'. The principle of demolition should only be accepted where it has been demonstrated that all reasonable efforts have been made to retain the listed building.

In terms of use, the applicant's current operations at New Market Road are no longer sustainable due to the need to modernise the present facilities across the complex to meet and compete with modern requirements along with high ongoing costs of repair and maintenance of the structures across the complex. In particular, the cost of the repair and/or replacement of the roofs and glazed structures of the former cattle sheds and byres is unsustainable and cannot be avoided as some sections are now hazardous. This existing situation was compounded by a period of continuous shut down during the pandemic.

The economic viability of retaining all or parts of the listed fabric has been assessed by the applicant through a series of detailed speculative development appraisals based on condition surveys of the existing buildings and cost estimates, along with a marketing exercise. A substantial "conservation deficit" has been identified across the site which would render the redevelopment of the site with full retention of the existing listed fabric, through minimum intervention, adaptation or extension, not economically viable. Also, the redevelopment of less sensitive parts of the site alone would be insufficient to cross fund the full retention of the existing listed structures. On this basis, the applicant has explored which alternative options would enable the viable retention of the most important representative elements of the listing buildings, within a relevant context. These options included alternative uses along with varying degrees of selective demolition and new build.

In assessing the associated application for listed building consent, Historic Environment Scotland (HES) accepts that there is a substantial conservation deficit, especially if listed buildings on the site are retained, but has noted concerns with the marketing process undertaken in terms of price, which should be the current market value of the site with its existing buildings, reflecting location and condition, and including a guide price on the marketing information. HES has also stated concern that the marketing was over prescriptive by way of considering interest for the retention and refurbishment of the existing premises only, excluding alternative uses. That acknowledged, these listed buildings, in particular the former cattle sheds, are difficult to re-use and adapt due to their form and scale, so the normal marketing guidance is less applicable for this site.

Economic Development has studied the applicant's calculations and found these to be generally acceptable with a reasonable, if below normal, profit margin. The proposal preferred by HES would not have been economically viable.

Retained Heritage Assets

The elements of the listed structures to be retained encapsulate the functional and historic use of these buildings, illustrating where the livestock were housed, milked and auctioned. These remnants also capture many key historic architectural features, including roof vents, stone banding, access doors, rainwater outlets, a hayloft door and trolley point. The original construction materials of sandstone, harling, slate, timber, metal and glass will also be evident in the retained structures.

Livestock Sheds

The significance of the main listed structures will be acknowledged in the proposed use as covered areas of the proposed "Heritage Square" leading to the entrance lobbies of the new BTR apartments.

The original ornate columns, primary trusses and finer, main-span secondary trusses of the cast iron frames will be fully refurbished and exposed to allow viewing of the original detailing. These are impressive, essential components of the sheds' construction.

Due to structural wind loadings and maintenance concerns, it is not proposed to retain the glazed elements of the roofs. However, the corrugated iron sheeting will be retained to the front two bays of the sheds. Some of this sheeting is understood to be original, but some parts have been replaced and altered for the existing use. The space below the retained frames will form part of the main public realm space of the new development and two pavilion buildings will be sited below the second bays of the historic frames, connecting with the proposed BTR buildings. The omission of roof coverings over these second two bays (to the west) is acceptable to provide sufficient daylight to the new build structures.

The retention of the cast iron cupola structure over all four retained bays will keep an important record of the most visually decorative element of the roof and how daylight and ventilation, through the side louvered vents, was provided. The sheds were constructed with open sides and high-level timber-boarded infills on their end 'gables'. This cladding will be retained, along with the overhanging eaves, bargeboards and decorative plaque on the existing central bay. These are key elements of the historic roof structures which will give the retained bays visual and physical presence when viewed from the "Heritage Square" when entering the site from New Market Road and Asda Road. The decorative plaque will be placed on the first bay seen (to the south) to showcase the detailing of the historic architecture.

This showcasing of essential components of the Livestock Sheds will be continued through the retention of several original columns in their existing locations as part of the landscape design. These columns, in particular the linked columns immediately behind the retained shed bays will indicate the original extent of the livestock sheds.

Conditions have been applied to ensure that all the historic structures on the site are officially recorded and that a robust methodology statement is submitted for approval before any historic structures or features are demolished, relocated or removed from the site.

Milch Cow Byres and Sales Ring

The three bays of this range to be retained will be restored externally using original and matching materials and there are no surviving historic internal features of significance. The proposed uses, including a café/restaurant and wellness/yoga studio acknowledges the historic purpose of the auction area where people would gather to buy and sell livestock and a gives a humorous nod to where the cows were milked and fed in terms of the new food and drink use. Retained stonework and other significant architectural details from the livestock byres will be included in the new landscaping scheme to bring the site's industrial past to life.

A condition has been applied to ensure that the detailing of any alterations to the main façade to form new openings for the commercial uses will be of appropriate scale and detailing.

The industrial heritage of the site will be encapsulated in physical and narrative form. Apart from the retained elements of the actual structures, elements of the forms, detailing and materials of the proposed new build development will reflect those of the former cattle sheds and byres and this consideration of the history of the site will continue in the proposed landscaping through surface patterns and materials in the landscaping and street furniture. A new storytelling wall within the public square will provide a written and pictorial narrative.

Demolition Summary

In this case, based on a combination of the current condition of the main B listed structures and prohibitive repair costs, combined with the viability of the existing use without essential repairs being carried out, the only realistic way to save any key parts of the buildings is through radical intervention. Whilst the level of demolition is substantial, this is the minimum action necessary to preserve key elements of the special interest of these listed buildings which is also economically viable.

Whilst the extent of retention in terms of percentages of the listed structures on site is low at 12% of the Livestock Sheds and 37% the former Milch Cow Byres, the refined proposals include a level of retention in terms of representative parts and detailing which is sufficient to support the extent of demolition. A level of impact is unavoidable with this amount of demolition, although this is mitigated by the retention of key elements that contribute most to the buildings' respective special characters.

Setting

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."

The proposed redevelopment of this site will have an impact on the setting of the adjacent listed buildings which formed the public face of the historic 'New Markets' complex and define the street frontages of New Market Road. These buildings include the category B listed Corn Exchange and St Cuthbert's Association Cattle Depot and category C listed Market Refreshment Rooms to the east of the site. The street presence of these buildings as viewed from Hutchison Terrace is emphasised by the extensive area of fenced grass in front.

The category B listed retained façade of John Swan and Sons Livestock Market on the north side of New Mart Road and flanking façade of the Corn Exchange opposite presented the main secondary frontage to the complex. The southeast facade of St Cuthbert's Association Cattle Depot is prominent in views from the east.

Currently, the gables of the Livestock Sheds are just visible in the longer views from Chesser Avenue and in glimpsed views between the buildings fronting New Market and New Mart Road. Due to a change in site levels, only the roofs of the Milch Byres and Sales Ring and Livestock Sheds are visible from the east.

Whilst the proposed new build development will alter these views, most significantly when viewed from the junctions of Hutchison Terrace and New Mart Road and Asda Road and New Market Road, the scale, massing and design of the new structures will maintain an appropriate setting for the historic frontage buildings. Given the projection above the height of the listed buildings on New Market Road, the fragmentation and variation of the roofscape is a well-considered aspect of the new build design and the choice of materials in type and tone will create an appropriate and complementary backdrop to the listed frontage buildings. Importantly, the physical presence of the "New Markets" in the wider local area will be preserved.

In terms of the setting of the retained elements of the former livestock sheds and cow byres and auction ring, the proposed "Heritage Square" will maintain the openness, public nature and hardstanding character of the historic yard, whilst introducing an appropriate level of soft landscaping to provide visual and physical amenity for the new uses whilst improving water attenuation. The re-purposing of the former auction ring building as a community space will help reaffirm the building's importance as a key historical node on the site and emphasise the significance of the retained frames of the former cattle sheds. The proposed storytelling wall, retained heritage features and new landscaping elements influenced by the site's historic function and architecture will enrich the setting of the retained listed structures on the site, as well as the historic frontage buildings.

Conclusion in relation to the listed building

Overall, the proposed development will result in a degree of impact to the listed buildings in terms of the substantial loss of original fabric. However, this is justified as being the minimum level of intervention necessary to preserve key elements of the special interest of these listed buildings due to the current condition of the buildings, constraints of the site and need to devise an economically viable scheme which will bring wider public benefits. The treatment of the retained elements of the listed cattle sheds and significant curtilage buildings will preserve their historic and architectural character.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the retained listed structures on the site and other listed buildings in the immediate vicinity.

Conditions have been applied to ensure that the specifications for all proposed external materials for repairs and alterations to the retained historic assets on the site and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance as the proposals preserve the features of these listed buildings that embody the special architectural and historic interest which the buildings possess.

b) The proposals comply with the development plan?

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment Policies Env 2, Env 3, Env 4, Env 9, Env 12, Env 16, Env 20 and Env 21
- LDP Shopping and Leisure Policies Ret 5 and Ret 11
- LDP Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Housing Policies Hou 2, Hou 3 and Hou 4
- LDP Transport Policies Tra 1, Tra 2, Tra 3 and Tra 4
- LDP Delivery Policy Del 1

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 2, Env 3 and Env 4.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of the Housing, Design and Transport policies and other Environment policies listed above.

Principle of Development

The site lies within an urban area and Local Centre as defined in the Edinburgh Local Development Plan (LDP).

Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan. Given the surrounding residential character, this is a suitable site for housing and the proposals will contribute to a mix of uses in the local area. The site benefits from good public and active travel links and is located nearby to education and health facilities and local green spaces. Compatibility with other policies is assessed elsewhere in this report.

Policy Hou 8 presumes in favour of proposals for purpose-built student accommodation if the proposal meets both criteria a) and b). This site is on regular bus route which serves the city centre and campuses on the west side of the city, and there is scope for active travel to some campuses, such as the Edinburgh Napier Craiglockhart Campus (approximately 16 minutes on foot or 5 minutes by bike). Examples of the available bus routes include the no. 4 Lothian Bus from Slateford Road to Edinburgh Napier Craiglockhart Campus (a totally journey of around 11 minutes) and the no. 35 and 34 buses from Chesser Avenue and Slateford Road respectively to Napier's Sighthill Campus in a total journey time of approximately 14-19 minutes.

In terms of concentration of students living in the area the 406 rooms proposed will result in a substantial increase. However, the 393 build-to-rent apartments will dilute this student concentration, as a high number of non-students will also reside on the site. The latest available accurate data, from the 2011 Census, shows that there was a low concentration of students living in this area as defined by the Fountainbridge/Craiglockhart Ward (between 11.73% and 16.31%). Including the 2,603 approved student beds since the 2011 Census, this percentage increases to between 22.65% and 28.87% and the proposed development would result in a further increase of between 1.5% and 1.69%.

Whilst the proposed level of student accommodation will increase the student population living in this area, the resulting concentration will not be excessive or to an extent that would be detrimental to the existing community.

In terms the existing uses on the site, which comprise covered, astro-turf five-a-side football pitches, a bowling alley, snooker/pool hall and sports bar, there is no LDP plan policy that seeks to prevent the loss of such leisure uses. However, the loss of these facilities is detrimental to the local community and this issue must be given weight. Alternative facilities and green spaces providing similar activities are available in the local area, including Meggetland, Craiglockhart and Saughton sports centres and Saughton public park. Whilst these facilities are around a ten- to fifteen-minute walk away from the site, they will provide some mitigation for the loss of the existing leisure uses. SportScotland has no objection to the proposals and considers the issue outwith its remit. There is no prospect of this site being used for similar leisure purposes, given the condition of the existing buildings on site and need to redevelopment the site in an economically viable way. Also, the loss of the existing leisure use has to be balanced against the significant benefits of using this brownfield site for housing of a significant scale.

Policy Ret 5 presumes against proposals for non-retail development in a local centre which would have a detrimental impact on the function of the centre. The site is located within Chesser local centre, and the proposal does not involve any loss of retail units.

Whilst the proposals are for a non-retail development, comprising build-to-rent homes, student accommodation and ancillary community facilities, these uses are unlikely to have a detrimental effect on the function of local centre. The increased footfall generated by a substantial increase in the number of people living in the local area should be of significant benefit to the function of the local centre, especially as the development will be car free, except for a few accessible spaces. The transport and shopping habits of new residents will have a positive impact on the surrounding area, whilst the new amenity facilities on the site are likely to encourage people to stay more in their local area. The promotion of the historic interest of the site, along with these new amenities could attract other people to visit the area.

Policy Ret 11 presumes against the change of use to Class 3 if likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti-social behaviour to the detriment of living conditions for nearby residents. The proposed cafe/restaurant is part of the new community facilities and ancillary to the main residential use and of a scale and location that would not cause any significant disruption for residents, both on and outwith the site.

The development is therefore acceptable in principle and complies with LDP policies Hou 1, Hou 8, Ret 5 and Ret 11.

Character and Setting of Listed Buildings

This has been assessed in section a) and the proposals comply with LDP Policies Env 2, Env 3 and Env 4.

Sustainability, Design and Sense of Place

The redevelopment of the key listed buildings into appropriate and sustainable uses, will regenerate New Mart Road into a thriving mix development area, delivering an increase in housing, mobility and accessibility. The proposed uses are compatible with the surrounding area. The sites' location being close to a mix of public transport routes and active travel networks, gives quick access to the city centre and encourages sustainable travel. This development will positively rejuvenate and improve the character of the immediate area, improving a sense of community, mobility and opportunity for active travel.

Sustainability

The proposed development will provide sustainable, high-quality housing, whilst increasing pedestrian permeability through the development via a new publicly accessible "Heritage Square" and improving access to the Water of Leith walkway and the national cycling network (route NCR 75). There will be increased inter-connectivity between New Mart Road and the Asda supermarket to the immediate south of the site.

The design strategy incorporates the principles of sustainable design and construction. Accessibility, connectivity and passive efficiency are also significant elements of the design. The strategy has taken proficient consideration of the retention of heritage elements, including the most representative parts of the existing structural elements and use of some of the material from demolition in the development. The proposed design incorporates passive measures to reduce energy demand for heating, cooling, ventilation and lighting. The installation of photovoltaic (PV) panels, heat pumps and low energy lighting will contribute to carbon reduction.

In terms of sustainable transport, the site is located on multiple bus routes and within easy walking distance of Slateford Rail Station. Proficient and secure off-street cycle parking will be provided for the BTR, and student residents and the site has good access to existing active travel networks. No car parking is proposed, except for a limited number of accessible spaces.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of low and zero carbon air source heat pump technology and PV panels for heating and hot water and no fossil fuel use is proposed on site.

This is major development and has been assessed against Part B of the standards. The proposals meet the essential criteria with additional desirable measures including green roofs, rainwater harvesting and communal recycling.

Design

Architecture and Materials

The design concept draws upon the positive characteristics of the site and surrounding area, clearly taking consideration of the roof line and facades of surrounding listed buildings. The result is a coherent and integrated design from a variety of views and perspectives.

In terms of form and detailing, the proposed architecture is a modern re-interpretation of the historic industrial structures on the site, reflecting the level of architectural consistency evident in the utilitarian, but rhythmic forms of the former livestock sheds and cow byres. The proposed buildings incorporate key characteristics of the original forms and proportions with high density, sustainable construction and contemporary design details which results in distinctive, but complementary architecture. Though the development is of a larger scale than the original massing, the overall composition is sympathetic to the industrial feel of the site and forms an appropriate backdrop for the retained heritage assets and new setting for the adjacent listed buildings. The height of the new development will have no impact on any of Edinburgh's Protected Skyline Views.

The proposed materials palette is appropriate in this mixed-construction context, using a blend of contemporary and traditional industrial to complement the retained historic structures and evoke the architectural character of what was formerly on the site. The retention and reuse of original heritage fabric and use of traditional materials within the site will situate the development contextually, while the selected materials and tones for the new build elements will ensure that these structures sit unobtrusively behind the listed frontage buildings on New Market Road and New Mart Road. The inclusion of two different tones of brickwork, a variety of cement cladding in terms of detailing and colour and grey standing-seam roof cladding will make the new buildings fit in with the mixed materials palette of the surrounding area. The positioning and variation of materials will also differentiate blocks of accommodation and key nodal points within the development, whilst adding visual interest.

The pavilion buildings which sit below the historic cattle shed frames will be clad in dark grey fibre cement cladding with a linear texture to provide a definite contrast in material between the old and new structures, whilst signposting the central entrances to the BTR blocks.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

Views

Verified views of the proposed development have been produced from five important vantage points: Market Square (the new public square within the development), Hutchinson Terrace (junction with New Market Road), Chesser Avenue (where it meets Hutchinson Terrace), New Mart Road and the Asda car park. These demonstrate that the new buildings will affect the existing views, but in a positive, rather than negative, way.

From Market Square, the proposed image illustrates how the new build elements will sit positively with the retained heritage structures within a new, enhanced landscaped setting. In the view from Chesser Avenue, the roofscape and gable facades are clearly visible due to the height of the new development compared to that of Corn Exchange and adjacent frontage buildings on New Market Road. However, this added height is acceptable as it adds visual interest to the current scene without visually dominating these listed buildings. The latter's prominence is maintained through respectful and carefully positioned roof forms and materials.

The four-storey section of the BTR block and parts of the higher sections behind are conspicuous from New Mart Road. However, these elements sit in a non-domineering and complementary way across from the retained façade of the former John Swan and Sons Livestock Market and new-build office block alongside. Views of part of the gable and rear section of the Corn Exchange will also be impacted by the development but not in a negative way.

The Asda development has taken prominence in the view of St Cuthbert's Association Cattle Depot from Hutchison Terrace. The new Affordable BTR and student accommodation blocks will sit below the height of the historic corner tower from this viewpoint and will not be highly conspicuous. The height of these particular blocks is most apparent in the view from the Asda car park. However, the current view comprises mainly the side elevation of the existing modern shed on the site and the listed curtilage buildings and former St Cuthbert's cattle depot are not prominent from this viewpoint. The proposed buildings will provide an attractive new street frontage to Asda Road, as well as an improved sense of place and community, and increased security.

Density

The proposed 393 BTR units and 406 student bed spaces arranged within three- to eight-storey blocks is higher in density in comparison to the typical flatted developments within this area. However, this higher density is acceptable on this site which is relatively close to the city centre and with a good level of public transport accessibility. There is a rationale in this case for higher density development in terms of making efficient use of a brownfield site, helping to maintain the vitality and viability of the local businesses and services and encouraging the effective provision of public transport and active travel routes.

Also, the number of units proposed is linked to the viability of the scheme, given the heritage issues involved and on-site affordable housing provision, so a higher density than that of the surrounding area is acceptable in this context. The development will not be detrimental to the local character, environmental quality or residential amenity of the area.

The proposals therefore comply with LDP Policy Hou 4.

Housing Mix and Size

The BTR development will provide a mix of housing types from studios to three-bedroom family units. The latter apartments constitute 20% of the total BTR provision, which meets the requirements of the Edinburgh Design Guidance. Several of the larger units (including the two-bedroom) have direct access to private gardens and all have access to the communal gardens and shared car-free spaces which are generally safe areas for children to play.

The number of smaller units proposed reflects current market demand for BTR housing amongst a relatively young professional and well-educated workforce, particularly in the city centre of Edinburgh and along arterial routes. This location is particularly suitable being close to Slateford rail station and bus and active travel routes.

The Edinburgh Design Guidance includes minimal internal floor areas for flats and the proposed BTR units, including the affordable element, meet on average with the recommended minimum sizes, ranging from 36-43sqm (studio), 51-59 sqm (one-bedroom), 62-78 sqm for two-bedroom and 89-101sqm (three-bedroom). Any deviation is minor and affects-open plan flats only. The guidance allows flexibility in minimum floor areas where flats are open plan.

Criterion d) of the Student Housing Guidance requires student housing to comprise a mix of type of accommodation. The proposed mix of studio and cluster rooms each with en-suite shower rooms will meet the varying needs of students.

The proposals are in compliance with LDP Policy Hou 2.

Landscaping

Significant areas of soft and hard landscaping are proposed throughout the project, drawing heavily on the historic industrial use of the site as cattle sheds, in particular the retention of significant areas of hardstanding in the new public square which was a central yard when the sheds, auction ring and cow byres were in operation.

The project introduces an extensive amount of planting throughout, introducing trees, shrubs, hedging and ground cover planting appropriate to the localised site conditions. The size and species proposed are appropriate and will provide shelter, rainwater attenuation and visual interest within the site.

Greenery will be used to enhance the sense of space and hierarchy of spaces throughout the development and trees will create an avenue along the active travel route as a way of signposting.

The proposed hardstanding and street furniture materials are appropriate to the site's former industrial character. The siting and specifications have been selected to reflect the historic materials of the site whilst working for the proposed uses and water management, as well as adding visual interest and softness and demarcating distinct spaces.

Accessibility/Public Realm

As the development will be car free development, the opportunity has been taken to provide new active travel routes through the site and improve proposal permeability by introducing access nodes on all sides of the site. This includes the provision of platform lift and two flights of steps on the south side of the site where it meets Asda Road, to make the site accessible from the one edge where there is a distinct change of level.

The proposed development will open the site to the public, with the creation of a central square and throughways, delivering opportunities for the new and existing communities to grow. Pedestrians and cyclists will be attracted to enter and use the site as a secure amenity area and a connecting route from New Mart Road to the Asda store and the business and services within the Chesser Area, as well as to the Water of Leith and beyond.

The form of the new public realm is governed by the practical functions of hard-landscaped spaces, drainage, levels, light and access. The proposed hard materials palette is simple and high quality to reinforce the site's industrial past character and these materials are arranged to emphasise the hierarchy of public spaces and key routes across the site. Appropriately located and specified soft landscaping will provide an appropriate balance between respecting the historic setting of the retained listed structures, whilst providing amenity for residents and visitors in terms of shelter and visual softness and colour, increased biodiversity and improved natural drainage.

Sense of Place

The proposed development will create a new, distinguishable place which is rooted in the historic physical and operational characteristics of the site. This will be achieved through the interrelationship between the remaining parts of the original market buildings and new build elements and landscaping, along with a permanent on-site exhibition in the form of a story-telling wall explaining the processes that took place across the site. The use of the retained former auction ring/cow byre building as a community facility facing onto the main public space will further enforce a sense of place and encourage this area to become a hub for leisure and living activities.

Summary

In conclusion, the design of the development is based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area and will create a new sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 6, Des 7 and Des 8.

Archaeological Remains

The site is within an area of archaeological significance as it contains historic structures that formed part of Edinburgh's 'new markets' complex constructed by the Public Works Office in the early 20th century. A significant area of the site is occupied by the category B listed Livestock Sheds dating from 1912.

Whilst the scale of retention and re-use of the historic structures on site is limited, in this case there are valid grounds for permitting the extent of demolition proposed. However, it is important that the details of these buildings in their existing form are recorded prior to demolition and any significant archaeological remains revealed

Accordingly, a condition has been applied to ensure that a comprehensive programme of archaeological work is undertaken. This programme will include detailed historic building surveys prior to and during demolition/strip out works affecting the listed buildings on the site, a programme of public/community engagement during development and incorporation of the history of the site in the final design.

The development will therefore conserve any significant archaeological features, in compliance with LDP Policy Env 9.

Residential Amenity

Use

The proposed residential and student accommodation uses, along with the ancillary commercial uses, are compatible with the mixed, but predominantly residential, character of this area and will not lead to an unacceptable loss of amenity for any residential properties in the vicinity.

Communal/Private Outdoor Space

The total site area measures 16,892 sqm, 3631 sqm (21.5%) of which will be provided as usable green space, meeting the 20% target set out in LDP Policy Hou 3. To clarify, the definition of green useable space in the applicant's calculations is that where there is no mass planting (which would prevent useable access) or large areas of hard paved surfacing.

Further broken down, the proposed 392 BTR units, excluding the 39 units with private external spaces (1136 sqm in total), will have 2,544 sqm of useable external green space which equates to 7.2 sqm per unit. Policy Hou 3 requires that flatted developments provide 10 sqm of green communal space per flat (excluding any units with private gardens), so the proposed provision falls short under this measure.

The private gardens are not large but meet the minimum 3-metre depth as specified in the Edinburgh Design Guidance.

New Public Square

The shortfall in the normal standard for usable green open space will be mitigated to an extent by the communal open space provided within the proposed public square (2,472 sqm). This space includes appropriate green landscaping which will create an attractive amenity space with sheltered areas.

In terms of the Council's Open Space Strategy regarding play space, the nearest space of at least good play value is Saughton Park which is just within 800m of the site (around a 10- to 15-minute walk) and there are other smaller green spaces, such as Redhall Park (with play equipment) within this range. Craiglockhart Hills East and West and Dovecot Park are within a mile of the site on foot. In addition, the Water of Leith walkway is within a short walking distance and forms a green link to local green infrastructure.

The overall level of external amenity provided will be appropriate, given the heritage constraints of this site. The retained historic structures will provide an attractive backdrop and in part, functional element, of the communal amenity spaces created. The proposed spaces are varied in terms of type and appearance and there are sheltered seating areas with furniture and lighting designed to enhance the experience for users. The specified path surfaces, including within the greenspaces, will allow the use of these outdoor areas for, including people using wheelchairs and pushchairs.

Whilst several green roofs are proposed, these will only function for water management and biodiversity purposes and not as accessible green spaces. However, there are a couple of external communal terraces in BTR Block 1 and a number of units in the affordable block have small balconies.

Policy Hou 3 does not apply to housing built for occupation by particular groups such as students. However, an appropriate level of external green space is proposed amounting to 1183 sqm of communal space (3.4 sqm per unit) and 195 sqm of private space.

Internal Amenity Space

The BTR housing will have a good range of dedicated internal amenity spaces, including lounges, exercise facilities, working from home and study spaces and large shared kitchens.

An appropriate level of internal amenity space will be provided for the student accommodation, comprising 430 sqm of a range of communal amenity spaces, with direct access to private external terraces.

Aspect

The Edinburgh Design Guidance (EDG) requires a minimum of 50% dual aspect flats. In this case, the proposed BTR development achieves 33% dual aspect flats (29% dual aspect in the private BTR blocks and 44% in the affordable block). When the studio flats are excluded from the total number of private BTR flats, these blocks achieve 33% dual aspect and no studios are proposed in the affordable block.

The EDG allows for a flexible approach to be taken for BTR housing where open-plan layouts are proposed (75% of flats in this development), given that such layouts allow light to penetrate more deeply into the units. Whilst the percentage of dual aspect dwellings does not meet the normal EDG standards, the proposed ratio of dual to single aspect flats is due to the significant site constraints and the built costs which will be relatively high. Only 4.5% of all the rooms of the single aspect analysed will not meet the daylighting standards.

All flats will have full-length windows with small Juliette balconies and those living on the upper floors will enjoy views across the city and beyond, so this will compensate for lack of dual aspect.

Daylighting and Sunlight

A Daylight and Sunlight Report has been submitted which tests the effect of the proposed development on daylighting levels for the neighbouring residential properties and future occupants of the new flats. The daylighting levels will meet the requirement as set out in the EDG within this urban context.

Daylight

The nearest residential properties in New Mart Square are too away far from the proposed development to be affected in terms of loss of daylight, so no calculations have been undertaken in relation to the impact on the surrounding residences.

As regards future occupiers of the development, the report demonstrates that 1,367 of the 1,436 rooms analysed (93%) will fully satisfy the EDG daylight distribution target. The majority of the remaining 96 rooms which will not meet the target level are bedrooms and a significant number will only fail marginally. These results are comparable with other mixed use BTR and student accommodation developments of this scale and density in Edinburgh and appropriate in this context where full compliance with the standards is challenging due to the heritage constraints of the site need to make the scheme viable.

Sunlight

A solar study has been carried out to the specifications set out in the EDG. The study shows that the minimum standard for sunlight hours will not be met within all the open space areas, although the level of failure overall is marginal (4%). The proposed Market Square accounts for 28% of the open space on the site and achieves two hours of sunlight over 50% of its area by this standard.

The proximity of the buildings has been driven by the creation of this public space to preserve the setting of the retained listed structures in central and eastern locations on the site, so a degree of overshadowing is inevitable. This level of sunlight for the new amenity areas is acceptable, given the proximity of the site to the Water of Leith and public parks. Also, the retained heritage assets will provide a level of amenity in terms of visual character and sense of place.

Privacy/Overlooking

The site is immediately adjacent to a performance venue, offices, a supermarket and fitness centre, including the associated car parks of the latter two and no residential properties overlook the site. Only the performance venue and fitness centre have mutual boundaries with the site and the maximum distances from the proposed buildings to these boundaries are met.

Almost all facing windows in the new apartments will be separated by 18 metres and those on either side of the throughway from the public square to BTR Block 2 which are only separated by 9.2 metres will be canted to protect privacy.

Noise

As noted above, the nearest residential properties to the proposed development are in New Mart Square which is a sufficient distance away from the commercial operations on the site, so there are no concerns regarding the impact of noise on surrounding residents.

In terms of noise levels from commercial premises affecting future occupiers of the development, Environmental Protection is particularly concerned that if justified complaints are received about commercial and or leisure noise from the adjacent performance venue (the O2 Academy) then action could be taken against the relevant businesses. The O2 Academy operates many large entertainment events, including music gigs, comedy shows and other live events throughout the year that can cause significant levels of noise. There may also be significant levels of noise from plant serving these uses and from people congregating outside the venue.

Environmental Protection also has concerns about the deliveries and collections area for the music venue being adjacent to the proposed residential properties.

The Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

"a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".

The applicant has submitted a revised Noise Impact Assessment (NIA) which assesses the impacts of the key noise generators affecting the site, that is, amplified music noise breakout from the O2 Academy and noise from its loading area and external smoking area. The other potential sources of noise generation have been assessed in the NIA, namely road traffic from the surrounding roads and building services and plant noise from the adjoining fitness centre (Nuffield Health). However, these are secondary factors in terms of degree of potential impact.

The O2 venue is operating under planning permission granted in 1998 (reference A 00474 97) to which conditions were attached to ensure that noise levels emitting from the venue from events and plant, machinery or equipment were acceptable in terms of the impacts on nearby living apartments. The scheme implemented includes a sound proofing "box" around the main noise generating part of the building.

The NIA concludes that secondary glazing will be required to control amplified music noise ingress into the affected residences facing the O2 Academy and some flats not directly facing the venue would also require upgraded glazing due to sound reflections from other buildings. The noise report identifies the areas where upgraded windows and facade build-ups will be required. Ventilation of these dwellings would need to be via mechanical units to avoid reliance on opening windows.

Environmental Protection states that these dwellings should achieve good standards in terms of noise levels allowing for windows to be open in habitable rooms (a closed window standard is only acceptable for transport noise) and that noise generated from the performance venue should be inaudible within the new development. However, this standard is unachievable on this site.

Environmental Protection accepts that the site may be suitable for residential development, subject to suitable mitigation measures alongside management of the development and its residents and that liaison between the development and music venue will be of critical importance in ensuring the protection of future residents and to protect the continued use of the venue. The key issues for Planning are whether the proposed noise sensitive development includes 'sufficient measures' to mitigate the impact on neighbouring residential properties and whether any conditions applied to the granting of planning permission would incur additional costs for the O2 Academy relating to acoustic design measures to mitigate, minimise or manage the effects of noise.

A range of conditions have been applied in order to mitigate any negative impacts on the amenity of future occupiers of the development from noise from the entertainment venue, including that generated externally by customers, servicing and transport activities, plant and road traffic. These conditions reference the standards specified in the NIA which identifies those dwellings which will be most affected. The proposed scheme includes a two-metre-high imperforate acoustic barrier around the external amenity area adjacent to the external loading bay and glazing standards for properties most susceptible to road traffic noise on Asda Road and New Mart Road.

Environmental Protection's standards for assessing noise levels require open-window measurements for the assessment of noise generation from the performance venue. However, Planning can accept the alternative closed-window measurements in its assessment of the proposed development, given that planning authorities operate under different legislation. Whilst future occupants of the new apartments will have the choice to open windows, the conditions applied regarding acoustic glazing and the soundproofing of masonry facades and roofs will ensure these occupants will have the ability to avoid being affected by noise from the adjacent performance venue. Only under Environmental Protection's stringent standards, is it not possible to provide a condition on the glazing and ventilation that would protect the amenity of future occupiers. Also, the conditions applied will not incur any additional costs for the O2 Academy in terms of noise mitigate measures, nor impose a breach of condition on the O2 Academy given that the responsibility for noise attenuation will lie principally with the operator of the new residential development. The conditions of the 1998 planning permission under which the O2 venue is operating are already stringent in terms of controlling noise levels, to the extent that no amplified sound should be audible in nearby residential or commercial properties. Whilst the proposed new flats will be closer to the venue than the nearest existing residential properties, the conditions attached to this current application will ensure that the O2 Academy's existing soundproofing measures are adequate when working in conjunction with the soundproofing measures built into the new apartments.

Whilst the development will expose an increased number of residents to the noise from the O2 Academy, the required retention of key elements of the listed structures, significantly limits the opportunity for positioning residential blocks of the necessary density to make the scheme economically viable whilst maintaining a satisfactory level of amenity. In this case, the wider benefits of providing housing, including a 25% affordable element, outweighs any risk to the operation of the performance venue, given that adequate mitigation measures can be put in place to attenuate noise to an acceptable level within the nearest living apartments, albeit using a closed window standard.

Also, noise from the performance venue is not constant and it should be noted that no neighbour complaints regarding noise levels have been received over all the years of operation. The applicant has highlighted that the acoustic assessment is based on the worst-case noise levels as observed over the two concerts attended, including with all the venue doors opened, although the impact of doors opened or closed on the acoustic environment is disputed.

As regards any noise generation from the associated commercial uses proposed, the applicant confirmed that only certain Class 11 uses are proposed, i.e. a yoga/wellness studio. The commercial uses will comprise a small community café, co-working area and multi-functional community space which could be used for wellness, meetings or other activities and the limited scale of the areas available will restrict the numbers of people attending. These facilities will be housed within the retained parts of the historic auction ring and cattle byres range and no residences will be formed in this block. The measures proposed to protect future residents from unacceptable noise levels from the O2 Academy and road traffic noise will adequately mitigate any noise generated by these proposed commercial uses. For this reason, the restrictions on the type of cooking operations recommended by Environmental Protection are not required. However, a further condition has been applied to ensure that odours generated by any cooking operations associated with the approved Class 3, 10 or 11 uses are controlled by an appropriately specified ventilation system.

Air Quality

The application is supported by an Air Quality Impact Assessment there are no air quality issues arising from the proposals. Environmental Protection welcomes the proposed zero parking provision on the site (apart from two accessible spaces with electric vehicle charging points) and priority given to energy reduction and efficiency.

Ground Contamination

Due to the previous industrial use of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Summary

Whilst the level of residential amenity that can be provided on this site as required by policies Hou 3 and the Edinburgh Design Guidance will not be fully achieved on this site, there are mitigating circumstances why this is the case, primarily the required retention of representative parts of category B listed buildings. However, the level of non-compliance with the normal standards will not have a significant detrimental impact on overall amenity levels for future residents, particularly as the retained historic assets will provide an attractive and meaningful social core to the development and the public realm be virtually car-free.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

Affordable Housing

An onsite affordable housing provision of 100 units (25% of the total number of BTR units) is proposed.

The applicant has submitted an Affordable Housing Statement which confirms ongoing engagement with potential affordable housing providers and a commitment to meet the Council's aspiration for a 70% social rent element to be met in conjunction with other tenure options. At this stage and due to ongoing commercial discussions, the applicant is unable to confirm the detailed tenure mix.

There will be a mix of 22 three-bedroom flats, 29 two-bedroom flats and 49 one-bedroom flats within a tenure blind block, well integrated with the wider development and occupying one of the most prominent areas of the site.

The provision of 100 on-site affordable housing units complies with LPD Policy Hou 6 and will be secured by a Section 75 legal agreement, including the final tenure mix.

Parking, road safety and infrastructure

Policy Tra 1 encourages major travel generating development to be located close to sustainable modes of transport.

This site is located within 400 metres of local bus stops on Chesser Avenue and Slateford Road, providing regular services to the city centre and other significant areas of Edinburgh. Lothian Bus services nos. 4, 34, 35 and 44 are frequent and night bus no. N44 runs two to three times per night. The site is also located within 400 metres of Slateford station (within a five-minute walk) which provides hourly rail services to Edinburgh Waverley and Glasgow Central Station. There is existing active travel infrastructure in proximity to the site, including the Water of Leith walkway and National Cycle Route 75.

The site is within easy walking distance of a wide range of amenities including open spaces, schools, retail, leisure facilities and health services. The development would therefore contribute to an existing 20-minute neighbourhood. The BTR and student accommodation units are likely to be occupied by younger adults who would most benefit from walkable access to local services and public transport links.

Currently, public access to the site can only be made from New Market Road, along the north-east side. The site plan seeks to create new pedestrian access points to the north-west (New Mart Road), south-west (to the Water of Leith) and south-east (to the supermarket). The proposal will therefore significantly improve permeability throughout the site, creating new north-south and east-west active travel corridors.

Car parking-free development

The scheme has been assessed against policies Tra 2 on private car parking, Tra 3 on private cycle parking and the standards set out in the Edinburgh Design Guidance.

The development is proposed as a car parking-free scheme therefore access is only required for change of term (students), accessible parking, car club members, refuse collection, deliveries, maintenance and emergency vehicles.

In terms of suitability for car parking-free status, the proposed development is in a sustainable location and in proximity to a range of sustainable and active means of travel. The applicant has submitted a detailed Transport Statement, rather than Assessment, on the basis that traffic generation will be low. Whilst current Scottish Government guidance, set out in Transport Assessments Guidance (dated 2012), makes it clear that a Transport Assessment is expected for developments in excess of 100 units, in this case the level of car ownership is likely to be low given the BTR and PBSA types of accommodation proposed and typical demographic of the occupants who fall into groups that tend to have lower car ownership.

The Transport Statement and subsequent information submitted provides evidence from recent examples of approved developments across Edinburgh with zero and very low parking provision, e.g., the residential flats, including affordable units and PBSA in Iona Street (reference 20/00972/FUL) and the PBSA development at Pentland House on Chesser Crescent. Whilst this site is not within an existing or proposed controlled parking area in contrast to many of the sites quoted, there is the possibility of parking overspill into the neighbouring streets in which there is substantial unrestricted on-street parking available. However, the applicant has provided data relating to car parking provision and uptake at other BTR sites that they manage which demonstrates that car parking uptake at these sites is generally quite low.

This, in addition to the general trend of reduced car ownership and gradual increase in car parking-free housing, along with an increased focus on sustainable transport and travel is sufficient justification to approve the proposed car parking-free development, despite the potential risk of a level of overspill, albeit likely to be insignificant. Moreover, the emerging City Plan seeks to reduce car travel and numbers and places a significant emphasis on the delivery of 20 Minute Neighbourhoods. An informative has been added recommending that the applicant develops a Travel Plan as a further way to promote journeys by public transport and active means. The scheme also proposes three car club spaces to reduce the need for private car ownership.

The restriction of car ownership through tenancy agreements has not been taken into account in terms of justification for approving a car parking-free development in this location, as stipulations of letting agreements are outwith planning legislation.

In terms of the possibility of the future conversion of the BTR or PBSA units to mainstream housing, this would be some time in the future when less car use/ownership should be in place along with improved public transport, if the aims of the emerging City Plan are met.

Cycle parking

The development is proposed as a car parking-free although access is required for accessible DDA parking (two spaces with EV chargers), refuse collection, deliveries, maintenance and emergency vehicles and vehicles associated with students' change of term.

The proposal is in line with the guidance set out in the Edinburgh Design Guidance, providing 100% secure cycle parking for the proposed BTR and PBSA accommodation and exceeding the required number of visitor spaces. All are at ground level, except the stores for the student flats which are at lower ground level.

However, this is acceptable as these stores will be accessible via a cycle-friendly lift and ramp. The short stay/visitor parking within the site landscape will be well-overlooked by the flats.

The cycle stands will be a mostly two-tier and parking spaces for a range of non-standard bicycles will be provided within a dedicated store. This storage area will have the potential for the inclusion of workshop/maintenance facilities. Whilst this level of two-tier provision does not comply with the Council's cycle parking Factsheet which requires 50% single tier, 54% of the total cycle parking provision will be at ground level. This is an acceptable compromise in order to accommodate 100% parking provision on this constrained site along with a viable level of living space.

A condition has been applied to ensure that proposed specifications for secure cycle parking are in accordance with the design standards as set out in the Edinburgh Design Guidance and the Council's cycle parking Factsheet and that access into the site caters for cyclists of varying needs.

Road Safety

Vehicular access will be available to the site from New Mart Road via a shared street, allow vehicle movement at slow speeds while prioritising pedestrians and cyclists. Servicing vehicles for the O2 Academy will enter the site from New Mart Road and exit onto New Market Road via a separate lane on the east side of the site, which will improve road safety. A condition has been applied to secure pedestrian-priority signage and a 5-mph speed limit on the shared street which will improve road safety.

A new crossing point will be formed on Asda Road which will connect to new steps and an accessible platform lift, addressing an existing 2.5 metre level difference between the site and road. This will improve pedestrian safety between the new development and supermarket. A condition has been applied to ensure that the new pedestrian crossing is designed in accordance with the Council's road standards and implemented before any part of the site is occupied.

If approaching the site from Slateford train station, there are controlled crossings on Slateford Road which will ensure that pedestrians are able to safely cross this busy main road to access the development. Dropped kerbs will be installed at the existing and new accesses to the site. Visibility is good on Asda Road, New Market Road and New Mart Road in the vicinity of potential crossing points.

Waste/Servicing

Delivery and maintenance vehicles will access the site from New Mart Road and turn at the end of the shared street. Detailed drawings have been submitted showing the locations and capacities of bin stores within the development, all of which will be located adjacent to the street in line with the Council's requirements and the type and capacity of bins, including recycling bins for different materials, has been agreed with Waste Planning.

Roads Infrastructure

The Roads Authority has requested a financial contribution of £18,000 for the provision of the three car club spaces on New Mart Road (£1,500 for the order plus £5,500 per vehicle).

An informative has been added to secure this contribution through a legal agreement.

Education Infrastructure

This site falls within Sub-Area T-2 of the Tynecastle Education Contribution Zone.

The proposed development is required to make financial contributions of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within this zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School). This sum is calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

An informative has been added to secure these contributions through a legal agreement.

Summary

The proposed development will therefore have no detrimental impact on road safety or infrastructure. The scheme includes an appropriate level and type of cycle parking, as well as a few accessible car parking spaces, to cater for the various transport needs of future residents of this car-free development. The proposal complies with LDP Policies Tra 1, Tra 2, Tra 3 and Tra 4.

Flooding and Drainage

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The proposal includes green roofs, rain gardens and permeable paving.

As regards surface water management, there is an existing connection from the site to the local public sewer network. However, the proposed surface water drainage measures will attenuate flows from the proposed development to achieve a discharge rate of 7.5 litres per second for the whole site in line with the Council's requirements. No underground attenuation tanks are proposed.

A condition has been applied requiring the applicant to confirm that Scottish Water accepts the proposed surface water discharge to the surface water network prior to construction.

The proposals satisfy the Council's Flood Prevention requirements.

Biodiversity

The accompanying public realm scheme proposes a blend of hard landscape with softer green corridors connecting through the development to the Water of Leith, which will encourage local biodiversity.

The proposed soft landscaping contains a variety of low-level planting to suit the local environment and support biodiversity and the brown self-seeding roofs will further enhance local biodiversity by creating a natural habitat that supports various plants, invertebrates and birds. A condition has been applied to ensure that swift bricks are included on the elevations of the new accommodation blocks.

The Preliminary Ecological Appraisal concludes that the site had limited potential to support bats and none were observed during the emergent survey. However, as a precaution, an informative has been added recommending a Tool Box Talk regarding bats prior to the commencement of works on site.

The development will encourage local biodiversity and complies with LDP Policy Env 16.

Conclusion in relation to the Development Plan

Overall, the proposals comply with the Local Development Plan and with particular respect to the provision of housing, including affordable, sustainability, active travel and creating a sense of place.

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

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP, particularly in terms of making efficient use of existing land for accessible housing, supporting climate change mitigation and promoting industrial heritage.

Emerging policy context

The Revised Draft National Planning Framework 4 (NPF 4) was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

The revised draft NPF4 includes a policy relating to the Agent of Change Principle. Policy 23 of NPF4 states:

"Development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development."

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application. The key responsibility for the planning authority remains as stated in the definition of the Agent of Change Principle as enshrined in section 41A of the 1997 Act.

Equalities and human rights

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

Lift access will be provided throughout all the proposed residential blocks and there is level or ramped access to the associated commercial uses and community facilities. Two accessible car parking spaces are proposed off the shared street and a variety of cycle parking spaces will be provided for people with various needs.

The site will be accessible throughout with various level routes through and an accessible platform lift is proposed where there is a change in level between the site and Asda Road. Beyond the site there are two level access points to the Water of Leith walkway leading from New Mart Road: one near the Asda petrol station and the other beside New Mart Gardens.

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

Public representations

A summary of the representations is provided below:

material considerations

- loss of the listed buildings on the site, therefore contrary to Policy Env 2;
- no sufficient case has been made that all alternative local centre uses for the historic buildings have been explored;
- the merits of the proposed development and any perceived public benefits do not outweigh the loss of the existing listed buildings;
- the development will harm the setting of the adjacent listed buildings, contrary to Policy Env 3; and
- the existing historic structures on the site would be irreversibly damaged, contrary to Policy Env 4.

The impact on the existing listed buildings on site and the adjacent listed buildings, including the setting of both and case for substantial demolition, is assessed in section a) of the assessment. The relevant determining issue is whether the proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance. In this case, the level of demolition proposed is necessary to prevent the total loss of the heritage assets.

Principle

- loss of the existing covered football pitches, bowling alley and car boot sale without any comparable football facility near the local community;
- there is a need for more homes for rent rather than student accommodation;
- there will be an over-supply of student accommodation in the area, contrary to Policy Hou 8 and there is no university close-by;
- student accommodation may be used for short-term lets outwith term time;
- the local centre will be detrimentally affected by the proposed uses, which is contrary to Policy Ret 5.

The proposed uses on the site are assessed in section b) of the assessment and are judged to comply with the relevant LDP policies. The part-time car boot sale on the site is not an authorised use in planning terms, so the loss of this use has not been assessed. Whilst this special football facility is not available at the nearest sports centres which are around a ten- to fifteen-minute walk away from the site, these centres do provide alternative sporting activities.

Design

- the development will fail to meet the principles of Scottish Planning Policy in terms of efficient use of existing capacities of land and buildings, improving health and well-being, enhancing or promoting access to cultural heritage, reducing waste and
- avoiding over-development;
- there will be a lack of sense of place, which is contrary to Policy Des 1;
- the design concept takes no reference from the characteristics of the site or surrounding area in terms of scale, height, massing and density, contrary to Policy Des 3;
- the development will not have a positive impact on its surroundings, including the wider townscape and landscape and existing views, contrary to Policy Des 4 and Des 11 and
- the development will lack green space and landscaping.

The design of the proposals, including sustainability, is assessed in section b) of the assessment and are judged to comply with the relevant LDP policies and development principles of Scottish Planning Policy.

Noise/Residential Amenity

- the proposed build to rent residential flats in close proximity to the O2 Academy and the mitigation measures proposed in the noise impact assessment submitted are entirely insufficient in terms of ensuring that the proposed noise sensitive development is equipped with sufficient measures to mitigate, minimise or manage the effect of noise from the entertainment venue;

- the failure to design to this standard would impose a breach of condition on the O2 Academy as a direct consequence of an inappropriately designed noise sensitive development being introduced in such proximity;
- the assessment takes no account of the provisions of Policy 23 of the revised draft NPF4 in respect of the Agent of Change Principle as it relates to existing arts venues;
- the development will fail to ensure that the impacts of noise on neighbouring properties are not unreasonable, contrary to Policy Des 5;
- too many people will be living in the area causing over-crowding and noise;
- this site is not appropriate for students due to noise and air pollution issues; and
- the new buildings will block views from flats in New Mart Square.

The impact of the proposed development on the amenity of existing and future residents of the area and consequences for the adjacent performance venue is assessed in section b) of the assessment. Robust, suspensive planning conditions have been applied to ensure that detailed noise mitigation measures are devised to the satisfaction of the planning authority and implemented on site before any of the new residential accommodation is occupied. Loss of private views are not protected in planning policy.

Access, Parking and Infrastructure

- there are insufficient through routes, linkages to active travel routes;
- a car-free zone is too optimistic and there will be parking over-spill in the neighbouring residential streets;
- the provision of cycling parking is unclear in terms of the layout of stores and types of stands;
- increased traffic will cause congestion, create a hazard for pedestrians at two busy crossroads and ruin a quiet residential area;
- the social rent element of the affordable housing will not meet the agreed principle of 70% of the total provision;
- the local infrastructure is inadequate and
- further development will cause strain on the drainage system.

The impact of the proposed development in terms of access, parking and infrastructure is assessed in section b) of the assessment and the proposals are judged to comply with the relevant LDP policies and guidance. Further details of the proposed cycle parking provision have been submitted since the relevant comments were received.

general comments

- need restrictions on car ownership to avoid parking over-spill;
- the number 300 bus is omitted from the Transport Statement;
- could the developer assist with the diversion of buses to re-use the former stops on New Market Road and Asda Road?
- there is insufficient information to assess whether the cycle parking provision will meet Council guidance;
- a Travel Plan welcome pack is required for the residents and students;
- swift bricks should be incorporated in the elevations and
- the plans are too numerous and small-scale to assess the proposals.

Detailed information on bus routes serving the site is in in section b) of the assessment and the issue of additional bus stops is a matter for the bus companies to address. An informative has been added requiring a Travel Plan and a condition has been added to ensure that swift bricks are incorporated in the elevations of the new accommodation blocks. The plans submitted are adequate in terms of planning requirements.

Conclusion in relation to identified material considerations

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 in terms of preserving the parts and features of the listed buildings that embody the special architectural and historic interest which the buildings possess.

Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed urban residential scheme that draws on the industrial heritage of the site to create a strong sense of place and will support the adjacent mixed uses surrounding the site. Any deviations from Council policy or guidance are relatively minor and balanced by the wider benefits of the development in terms of the provision of housing with an appropriate affordable element on a redundant brownfield site, along with reduced reliance on car usage. Moreover, this is an exceptional situation where opportunities for development on this site are severely restricted by the need to preserve representative parts of important listed buildings. Alternative uses are limited for the category B listed former cattle sheds in particular, due to the industrial form, extent and condition of these structures.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

Other material considerations support the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. A detailed methodology statement for the dismantling, storage and re-erection of the elements of the Livestock Sheds hereby approved for retention shall be submitted and approved in writing by the Planning Authority before any demolition works commence on these structures. The materials used for re-installation shall comprise original elements only, with the exception of any sections/areas where there is insufficient original materials to form the entire architectural element/feature. In such cases, details of the proposed repair/replacement materials shall be provided in the methodology statement. No part of the development hereby approved shall be occupied until the elements of the Livestock Sheds approved for retention have been re-erected in a manner satisfactory to the Planning Authority and before written approval has been obtained from the Planning Authority.
3.
 - 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.
4. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, public engagement, interpretation analysis and reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority. This shall include detailed historic building surveys undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and Milch Cow Byres and Sales Area Ring. These surveys will include surveyed elevations, phased plans, combined with photographic and written surveys and archival research to provide an accurate and permanent record of these historic buildings.
5. Details of the proposed new openings for the commercial uses within the retained parts of the Sales Ring/Milch Byres building shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

6. A detailed specification, including trade names (where appropriate) and sources, of all the proposed external materials (including recycled materials from the demolished structures) for repairs and alterations to the retained historic assets on the site and proposed new buildings and landscaping shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. Note: samples of the materials may be required.
7. Prior to the commencement of construction on the residential and student accommodation blocks hereby approved, details of the proposed acoustic glazing and trickle vents specified within the Noise Impact Assessment (NIA) by Sandy Deans consultants, dated 3 July 2022, in Table 5 on page 16, Figure 15 on page 28 and the proposed standard double glazing and trickle vents for all the remaining flats shall be submitted and approved in writing by the Planning Authority. The approved glazing and trickle vents will then be fitted on all respective habitable room windows before any of these rooms are occupied.
8. Prior to the commencement of construction on the residential and student accommodation blocks hereby approved, details of the proposed masonry facades specified in paragraph 4.7.2 on page 17 of the above NIA and the proposed roof construction and mechanical ventilation specified in paragraphs 4.7.3 and 4.7.4 on page 18 of the NIA shall be submitted and approved in writing by the Planning Authority. The approved construction and mechanical ventilation details will be incorporated in the respective areas of the buildings before any of the residences within these areas are occupied.
9. Prior to the occupation of the BTR blocks hereby approved, details of the proposed noise barrier shown in plan in Figure 16 on page 31 of the NIA shall be submitted and approved in writing by the Planning Authority. The approved barrier will be erected in the location specified before any of the BTR residences as are occupied.
10. Details of the proposed ventilation system for any cooking operations associated with the approved Class 3, 10 or 11 uses shall be submitted and approved in writing by the Planning Authority and installed and no odours shall be exhausted into any neighbouring premises. Confirmation from a suitably qualified ventilation specialist will be required to confirm that the system will be able to attain a minimum of 30 air changes per hour. The approved system shall be installed and operational prior to start of the respective commercial operation on site.
11. The Class 11 use hereby approved shall be restricted to a yoga/wellness studio use
12. The detailed specifications for the secure cycle parking hereby proposed shall be in accordance with the design standards as set out in the Edinburgh Design Guidance and the Council's cycle parking Factsheet. The platform lift into the site shall be specified to allow access for cargo bikes and adapted cycles and all new steps shall include a gutter to improve access for cyclists.
13. The proposed new pedestrian crossing shall be designed in accordance with the Council's road standards and implemented before any part of the site is occupied.

14. The applicant shall confirm that Scottish Water accepts the proposed surface water discharge to the surface water network prior to construction.
 15. No development shall take place until a construction environmental management plan, relating to biodiversity (CEMP: biodiversity) has been submitted to and approved in writing by the Planning Authority. The CEMP shall include the following:
 - a) risk assessment of potentially damaging construction activities;
 - b) identification of "biodiversity protection zones";
 - c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
 - d) location and timing of sensitive works to avoid harm to biodiversity features;
 - e) times during construction when specialist ecologist need to be present on site to oversee works;
 - f) responsible persons and lines of communication;
 - g) role and responsibilities on site of ecological clerk of works (ECoW) or similar competent person and
 - h) use of protective fences, exclusion barriers and warning signs.
 16. Swift bricks shall be installed in the elevations of the new build residential blocks hereby approved. The proposed specification and locations shall be submitted to and approved in writing by the Planning Authority prior to construction works commencing on site.
 17. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - management of any flat/shallow pitched/green roofs on buildings or solar panel structures within the development site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 3 'Wildlife Hazards.'
- The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.
18. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the character of the statutorily listed building.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the interests of archaeological heritage.

5. In order to safeguard the character of the statutorily listed building.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to protect the amenity of the occupiers of the development.
8. In order to protect the amenity of the occupiers of the development.
9. In order to protect the amenity of the occupiers of the development.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development as there are a number of potential uses within Class 11 that would not be suitable within this predominantly residential development.
12. In order to ensure that the level of off-street cycle parking and access is adequate.
13. In order to safeguard the interests of road safety.
14. In order to ensure that the level of drainage infrastructure is adequate.
15. In order to safeguard the interests of nature conservation.
16. In order to safeguard the interests of nature conservation.
17. In order to minimise the attractiveness of the development to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
18. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

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

Affordable Housing

- 25% of the residential units to be of an agreed affordable tenure, delivered in accordance with the Council's affordable housing policy and guidance, including a social rent element of at least 70%;

Transport

- the sum of £18,000 for the provision of the three car club spaces on New Mart Road (£1,500 for the order plus £5,500 per vehicle) in the area in line with the Council's LTS Cars1 policy;
- the provision of a pedestrian crossing on Asda Road opposite the accessible access to the site, to the satisfaction of and at no cost to the Council.

Education Infrastructure

- the sums of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within Sub-Area T-2 of the Tynecastle Education Contribution Zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School), calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. 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.
4.
 - a) The applicant shall submit and follow a Construction Environment Management Plan to the satisfaction of the Planning Authority.
 - b) Any car parking spaces shall have provision for electric vehicle charging points and installed in accordance with The Institution of Engineering and Technology's Code of Practice for Electric Vehicle Charging Equipment Installation 2nd Edition (2015),
 - c) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
 - d) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

e) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

f) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

g) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

h) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

i) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

j) No bonfires shall be permitted.

5. In accordance with the Council's LTS Travplan3 policy, the applicant should develop a Travel Plan including provision for 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) and timetables for local public transport.

6. The Bird Hazard Management Plan must ensure that flat/ shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access ladders or similar. The owner/ occupier must not allow gulls, to nest roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/ occupier when detected or when requested by BAA Airfield Operations staff. The owner/ occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/ occupier must obtain the appropriate licences from the Scottish Executive Environment and Rural affairs Department (SEERAD) before the removal of nests and eggs.

7. A Tool Box Talk regarding bats should be carried out prior to the commencement of works on site.

8. The final agreement letter for this development will be subject to a site visit by CEC Waste Services prior to collections being agreed to confirm all aspects of our guidance had been adhered to. The developer should contact the relevant office a minimum of 12 weeks prior to occupation (individual and communal) to allow time to purchase the bins and set up the site visit for the final checks/agreement on collections.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 1 March 2022

Drawing Numbers/Scheme

01A-4A,05B-26B,27A-36A,37B-43B,45A-56A+57

Scheme 2

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PLACE
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Summary of Consultation Responses

NAME: Archaeologist

COMMENT: It is recommended that the designs are re-submitted showing greater retention and reuse of historic fabric either by adding at least a further framed section. If permission is granted it is essential that detailed historic building surveys are undertaken prior to and during demolition/strip out works of both the former listed Livestock Sheds and historic Milch Cow Byres and Sales Ring.

It is further recommended that as part of any agreed programme of archaeological works that a programme of public/community engagement is undertaken during development and that the history of the site is incorporated with the final design.

DATE: 2 May 2022

NAME: Hutchison/Chesser Community Council

COMMENT: No comments received.

DATE:

NAME: Economic Development

COMMENT: It is estimated that the proposed development would support approximately 162 FTE jobs and £6.347 million of GVA per annum (2019 prices). When the impact of the existing buildings is accounted for, the projected net impact is an increase of 19 FTE jobs and £1.183 million of GVA per annum (2019 prices).

DATE: 17 March 2022

NAME: Affordable Housing

COMMENT: The Housing service cannot currently support this application as the applicant has not provided justification for intermediate rent as the affordable tenure. The applicant has not committed to the highest priority affordable housing tenure, social rented homes, nor provided sufficient justification why social rent may not be delivered. We would invite the applicant to explore social rent delivery with a registered social landlord and further engage with the Housing Service.

DATE: 3 October 2022

NAME: Communities and Families

COMMENT: The site falls within Sub-Area T-2 of the Tynecastle Education Contribution Zone.

The proposed development is required to make financial contributions of £658,759 and £80,411 towards the delivery of primary and secondary education infrastructure respectively within this zone (an additional class at Balgreen Primary School and additional places at St Augustine's RC High School). This sum is calculated on the basis of the 'per flat' rate for 191 proposed flats within the development (excluding the one-bedroom and studio flats).

DATE: 26 July 2022

NAME: Flood Prevention

COMMENT: This application can proceed to determination with no further comments from CEC Flood Prevention, although we would recommend the following is added as a condition:

Prior to construction, the applicant should confirm that Scottish Water accept the proposed surface water discharge to the surface water network.

DATE: 13 June 2022

NAME: Scottish Water

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

DATE: 29 March 2022

NAME: SEPA

COMMENT: No comments received. There is no risk of river or coastal flooding at the site, so the development falls below the threshold for site specific comments.

DATE:

NAME: Edinburgh Airport

COMMENT: The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria, unless any planning permission granted is subject to a condition requiring the submission of a Bird Hazard Management Plan.

DATE: 4 April 2022

NAME: Parks and Greenspace

COMMENT: No comments received.

DATE:

NAME: SportScotland

COMMENT: The requirement for consultation to sportscotland is set out in The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 (Schedule 5). The facilities which would be affected do not fall within the uses in respect of which there is a requirement for consultation to us.

That said, we are aware that these are spaces used by the sporting community and would suggest that the Council in their wider role as planning authority give consideration to this aspect.

DATE: 1 April 2022

NAME: Edinburgh Access Panel

COMMENT: No comments received.

DATE:

NAME: Police Scotland

COMMENT: No comments received.

DATE:

NAME: Lothian and Borders Fire Brigade

COMMENT: No comments received.

DATE:

NAME: Waste Services

COMMENT: This development would be accepted for waste and recycling collections at the planning stage with the waste strategy plan provided in the PDF, 2435 New Mart Road - Waste Management REV B.

DATE: 5 October 2022

NAME: Transport Planning

COMMENT: Whilst there are no objections in principle to the proposed application, issues regarding parking overspill, cycle parking and wheelchair access are not considered to have been adequately addressed

If minded to grant permission, the following conditions or informatives should be included as appropriate:

- a contribution of £18,000 for three car club spaces;
- a minimum requirements of 50% single tier cycle parking; and
- a Travel Plan,

DATE: 3 October 2022

NAME: Environmental Protection

COMMENT: Environmental Protection cannot support this application for several reasons in relation to the effects of noise on future residents. We require this type of noise to be inaudible in new developments and to be assessed with an open window. The applicants noise impact assessments have modelled that noise levels at the nearest proposed units on the site will require acoustic attenuation measures to reduce the exposure of future residential occupants to the potentially harmful effects of music noise in the immediate proximity of the site boundaries, but no specific details on the required glazing units or on the proposed ventilation strategy have been provided. The music venue building is well acoustically insulated but there is still noise breakout from the roof, doors and walls. It is possible that elevated noise levels were incurred during the most recent noise survey as the music venue opened doors which would enable more music noise to escape. As such the impact of the music venue has been assessed based on best available survey data and information known to the applicant and Environmental Protection. There are planning conditions on the music venue which should ensure that these doors are kept closed. Regardless, the music noise escaping the venue even with doors closed would still be problematic.

Liaison between the development and the music venue site will be of critical importance in ensuring the protection of future residents and to protect the continued use of the music venue.

There are no conditions that can be applied to ensure amenity of future tenants is protected.

If planning permission is granted, conditions should be applied on site contamination, noise from the proposed commercial/ entertainment uses (including plant noise), noise during construction and the restriction of cooking operations for the proposed Class 3, 10 and 11 uses.

DATE: 7 September 2022

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

Location Plan



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