

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
72 - 74 Eyre Place, Edinburgh, EH3 5EL.**

Proposal: Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping.

**Item – Committee Decision
Application Number – 22/03833/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 30 objections and 45 support comments to the proposals have been made. 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 application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Non conformities with the relevant non-statutory guidance in relation to daylight and cycle parking are justified. The proposals preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal relates to a vacant plot located on the east side of Eyre Place Lane to the south of Eyre Place. The site covers an area of 0.14 hectares and was formerly in use as a builders' merchant/yard (Class 6). The former builders' yard has been sub divided into two and this application relates to the southern section. All buildings and structures relating to this former use have now been demolished which mainly consisted of single storey warehouse buildings and stock display areas. A children's activity centre, forming part of King George V Park and known as The Yard, is located to the south of the site.

The site is located out with, but abutting, the boundary of the New Town Conservation Area which bounds the site to the west side of Eyre Place Lane. Part of this application site falls within the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean.

The existing site is on two distinct levels, with a lower section to the south. It is proposed that this is graded level and meet Eyre Place lane.

Description of the Proposal

The application proposes the demolition of all existing buildings on the site, and the erection of nine residential dwellings. These will be a single terrace of three storey, four bedroom townhouses. Eight car parking spaces will be included to the rear of the houses, each with EV charging capabilities.

The design of the houses will feature a flat roof with blue/green capabilities, and solar photovoltaic panels. Proposed materials include a predominantly brick finish with feature areas of aluminium cladding to ground and first floor, with aluminium standing seam finish to the second floor which will have a recessed dormer appearance.

A new two metre wide publicly accessible footpath is to be formed in front of the townhouses and will extend the full length of the eastern side of Eyre Place lane.

Supporting Information

- Pre-application Consultation Report
- Design & Access Statement ('D&AS')
- Heritage Statement
- Archaeological Desk Based Assessment
- Archaeological Written Scheme of Investigation
- S1 Sustainability Form
- Daylight & Sunlight Analysis
- Air Quality Impact Assessment
- Noise Impact Assessment
- Bat Roost Potential Survey
- Surface Water Management Plan (inc. Flood Risk Assessment)
- Transport Statement
- Phase 1 Site Investigation

Relevant Site History

22/03834/FUL
72 - 74 Eyre Place
Edinburgh
EH3 5EL

Erection of student accommodation with associated amenity space, access, cycle parking and landscaping (142 studio flats) (as amended).

Other Relevant Site History

No additional history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Archaeology

Environmental Protection

Historic Environment Scotland

Children and Families

Transport

New Town/Broughton Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 3 August 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 12 August 2022;

Site Notices Date(s): 9 August 2022;

Number of Contributors: 81

Section B - Assessment

Determining Issues

Due to the proposed development falling adjacent to a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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 character or appearance of the conservation area?

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

- Managing Change : Setting
- Managing Change : Gardens and Designated Landscapes

The proposed development site lies outwith, but directly adjacent to the boundary of the New Town Conservation Area. The conservation area boundary runs along the length of Eyre Place Lane and along the southern boundary of the site adjoining 'The Yard' and extends over King George V Park. As a result of the proximity of the site to the conservation area, any development has the potential to impact on its setting.

The 'New Town Conservation Area Character Appraisal' identifies that there are a number of key areas of setting and edges to the conservation area. The area around the application site is not identified as a key gateway to the conservation area and the proposals will not impact on any significant vistas and views. A Heritage Statement has been submitted with the application which identifies and provides an assessment on the impact of the proposals on nearby heritage assets which lie within 500 metres of the site. The statement identifies that the northern part of the New Town Conservation Area, has a different character to the formal planned areas to the south. As a result, the proposals would have a low adverse impact on the setting of existing built heritage.

The southern end of site is designated as part of the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean. The boundary of this designation also runs along Eyre Place Lane itself adjoining the application site. The proposals will involve the redevelopment of an existing vacant brownfield site within an existing urban area. The site is not directly adjacent to any areas which are part of the historically designed public and private open spaces which characterises this designation. Historic Environment Scotland have been consulted and no concerns raised have been raised in relation to the impact of the proposals on the designated landscape. The proposals will have a neutral impact on the setting of the designated landscape.

Conclusion in relation to the conservation area

The proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

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 Developer Contributions Policy Del 1
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8,
- LDP Housing Policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 8, Hou 10
- LDP Environment Policies Env 6, Env 7, Env 8, Env 9, Env 20, Env 21, Env 22
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 9
- LDP Resources Policies Rs 1, Rs 6

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential townhouses at this site, complies in principle with the requirements of this policy (subject to other policy considerations).

LDP policy Hou 2 (Housing Mix) states that the Council will seek a mix of house types and sizes where practicable to meet a range of housing needs. The site sits directly opposite an existing terrace of townhouses. However, the predominant house type in the local area is tenement flats. Although the proposals feature a single house type, this meets the need for family homes within the immediate area and complies with Hou 2.

Loss of employment Uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided.

The surrounding area is mainly residential in character, a children's activity centre is located at the end of Eyre Place lane with small business uses found on Eyre Place. The proposed residential use in this location would not inhibit these nearby uses. The proposal complies with Emp 9.

Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded that this would be preserved. The proposal complies with the objectives of LDP Policy Env 6.

Height, scale and massing

LDP Design Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The spatial character of the area is mixed with tenement scale flats and lower scale mews properties to Eyre Place Lane. The application proposes houses which will reflect the existing mews character of the lane and respect the street hierarchy. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with and LDP Policies Des 3 and Des 4.

In terms of immediate outlook, the proposals are within an existing urban area, and although near to an area of open space at King George V Park, there are no significant local views of this space which would be affected by the proposals.

The application complies with LDP Policy Des 3 and 4.

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 64 dwellings per hectare, which is relatively low relation to the wider area. However, this is a secondary lane in terms of the street hierarchy, and low rise development is an appropriate design response where mews style properties are commonly found in lanes to the rear of tenement scale buildings.

Design and Materials

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed elevational treatment of the block is relatively uniform, with a principal elevation facing Eyre Place and secondary elevations to the east and west.

The proposed material palette of brick with aluminium cladding detailing and upper floors are appropriate within the location and will not detract from the character of the wider area. The use of materials and choice of colours references not only the industrial heritage of the site, but also the texture of the neighbouring buildings such as the existing townhouses on Eyre Place Lane which are finished in buff harling with standing seam window and dormer detailing.

Community security over adjoining streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest in compliance with LDP policy Des 1.

Landscaping

LDP Policy Hou 3 (Private Green Space) sets out that adequate provision for green space should be made to meet the needs of future residents. To the front elevation planters will be formed as part of the access arrangements to each of the dwellings. The EDG state that 'Where private gardens cannot be provided or where their depth is limited (for example less than 3m), there will be a greater need for street trees to be provided.' For urban design reasons, deep front gardens are not an appropriate design response in the lane and as a result, street trees are to be provided at the southern end of the new pavement.

To the rear, the ability to provide landscaped areas is restricted by the presence of a Scottish Water sewer asset in the south east corner of the site. As a result an area of hard standing is required to allow for vehicles to access this area for maintenance purposes. Consequently, landscaping to each house is provided through a series of terraces and decks with outdoor space or balconies provided at each of the three storeys on the east elevation. A condition can be added to ensure that the planting and materials are of an appropriate standard to these landscaped areas. It is not appropriate to request a contribution towards the wider greenspace network where these are already adequately rated.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The submission has included to show a shadow path analysis of the external amenity areas assessed will exceed the BRE overshadowing target criteria on the spring equinox (21 March) attaining at least two hours of direct sunlight.

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole. Given the constraints of the site, the proposals provide an appropriate response and continuity throughout the scheme.

Co-ordinated development

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

Details shown in the submitted planning application for student accommodation to the adjoining site to the north show that this is not compromised by the proposed townhouses.

Amenity for Neighbours and Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. Regarding privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The proposed layout of the development will result in a distance between the proposed dwellings and existing houses on Eyre Place Lane of between 8 and 10 metres. The affected windows in terms of privacy would be at first and second floor level. These include Juliette balconies from the proposed development and living areas/bedrooms to the existing townhouses on the west side of the lane. This is a relatively small distance but is typical of mews lane developments in the New Town. The proposals on balance comply with LDP Policy Des 5.

In terms of daylight to neighbours and future occupiers, a section through the townhouses shows that 27% Vertical Sky Component is achieved as the building's height does not rise above the 25-degree line. This line has been taken from the first storey of the adjacent mews block as the ground floors are garages and entrances with living spaces starting on the first storey on the west side. The existing flats located on Rodney Place are located at an elevated level to the application site and there will be no adverse impacts in terms of daylight and sunlight.

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

A total of eight car parking spaces are proposed to be located at the rear of the townhouses. Each of these parking spaces are to include EV charging points. Cycle storage provision is to be located within the main rear amenity spaces for each house with a further communal store provided. Cycle parking provision is made for 3 spaces per townhouse (300%). The site is conveniently located for access to local bus services.

The proposals include the formation of a new footway to the front of the proposed townhouses. A stopping up order may be required to facilitate the proposed footway and road layout on site.

The proposal complies with LDP policies Tra 2 and Tra 3.

Sustainability

Policy Des 6 (Sustainability) states permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use. A sustainability statement has been submitted including a carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets. In addition, low and zero carbon emitting equipment is incorporated including air source heat pumps as a heating solution, solar PV panels to roof level and cycle storage to encourage use of a sustainable transport mode. The proposal therefore complies with LDP policy Des 6.

Flooding

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

The site falls within an area which according to SEPA maps is at defined potential risk of surface water flooding. A Flood Risk Assessment and a Surface Water Management Plan have been provided alongside the associated checklists and certificates required for this scale of development. Flood Prevention has reviewed the information and has confirmed its acceptability. The proposals also include an element of blue/green roofs which will provide additional surface water runoff capacity.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and waste water capacity.

Archaeology

LDP Policies Env 8 and Env 9 aim to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to/during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

There is a single access route to the proposed houses along Eyre Place Lane. This route is of insufficient standard to meet Council's Waste Services guidance in allowing space and turning areas for refuse vehicles. The existing townhouses on Eyre Place Lane are serviced by being presented on Logan Street to the west. As a result, following dialogue with Waste Services, a strategy has been agreed which would require future occupiers of the proposed townhouses to present the relevant bins on Eyre Place. It is anticipated that this would be in the servicing area of a proposed student housing development which is currently pending. Outwith this time, bins will be stored in an external covered store either under or adjacent to each resident's private external terrace area to the rear.

Given that this strategy has been agreed by Waste Services, the proposals comply with Des 5.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and it is anticipated that the additional patients can be absorbed into these practices and no new actions are required. In this regard, no contribution is required at this time.

Education

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) states that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment. The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections.

The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

This application has come forward with a lower number of dwellings than anticipated in the City Plan 2030 Education Appraisal (September 2021). To address future accommodation pressure at Stockbridge Primary School it may be necessary to carry out a statutory consultation to realign part of its catchment area to another primary school. There is a requirement to provide additional secondary places at Broughton High School. Accordingly, to mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of an extension to Broughton High School at a rate of £12,942 per house, index linked from Q1 2021.

Ecology

The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site where only one building remains. It is recommended that further ecological enhancements are carried out in the proposed building and these should be included as informatives.

Air Quality

LDP policy Env 22 advises that planning permission will only be granted where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability. An Air Quality Impact Appraisal has been submitted with the application which concludes that the development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase.

Contaminated Land

The site has been developed for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

b) 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.

Emerging policy context

The Revised Draft National Planning Framework 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.

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

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 - objections - addressed in sections a) and b) above:

- Insufficient access to bus services;
- Insufficient access to healthcare services
- Loss of daylight to neighbours;
- Loss of privacy;
- Refuse collection not suitable on Eyre Place Lane;
- Potential to be used as HMO's (a change of use would be required)
- Inappropriate design and materials;
- Insufficient provision of outdoor space;
- Insufficient parking proposed;
- Increased vehicle trips;
- Potential to increase flooding;
- Adverse impact on historic character of the area;

- Excessive density;
- Existing pavements insufficient width;
- Inability to turn vehicles in Eyre Place Lane;
- Response to site levels required;
- Sunlight study does not take into account bedrooms to the rear of the existing townhouses on Eyre Place Lane (beyond scope);
- Inaccuracies in Surface Water Management Plan.

non - material considerations - objections

- Students are a transient population;
- Antisocial behaviour from students;
- Land not entirely in ownership of applicant;
- Lack of Equality Impact Assessment by applicant;
- Access for occupiers required during construction period;
- Insufficient PAC/pre application process;
- Should be considered as a single application with neighbouring proposals for student housing;
- Students don't pay council tax;
- No universities nearby;
- Free bus travel for under 22's will adversely impact on existing services;
- Potential to be used as holiday lets;
- Loss of existing community garden;
- Confirmation that neighbour notification has been carried out correctly;
- Drawings submitted not to scale;
- Impact on existing title deeds;
- No gas or oil to be used on site;
- Does not comply with City Plan 2030;
- Site should be used for EV charging;
- Noise impacts during construction period.

material considerations - Support

- Appropriate design for the area;
- In keeping with existing townhouses on Eyre Place Lane;
- Brings residential housing to an area where needed;
- Change of use will reduce noise/pollution impact from builders yard;
- Well located site for public transport access;
- Swift bricks should be included as a condition.

non - material considerations - Support

- Will be built in accordance with building standards.

Conclusion in relation to identified material considerations

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Nonconformities with the relevant non-statutory guidance in relation to daylight and cycle parking are justified. The proposals preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions :-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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

3. The noise mitigation measures as specified within ITP Energised noise impact assessment no. 5094 and dated 21/9/22 shall be installed prior to occupation of the development.
4. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Geoarchaeological sampling and analysis, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.
7. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
8. Prior to the commencement of development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
9. The electric vehicle charging points as shown on the approved plans should be installed and operational prior to occupation of development.

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of the development.
3. In order to ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the interests of nature conservation.
9. In the interests of local air quality.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to education as set out below:
The proposed development is required to contribute £116,478 towards the delivery of actions relating to Broughton High School. 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.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 3 August 2022

Drawing Numbers/Scheme

01-19

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections. Scottish water will not accept any new surface water connections into the combined sewer. Existing Scottish Water assets exist on the site.

DATE: 18 August 2022

NAME: Archaeology

COMMENT: No objections subject to condition. The site occurs across the site of the Canonmills Loch.

DATE: 5 August 2022

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to site contamination, noise and EV charging.

DATE: 22 September 2022

NAME: Historic Environment Scotland

COMMENT: No comments.

DATE: 17 August 2022

NAME: Children and Families

COMMENT: No objection subject to developer contribution of £116,478 for secondary school infrastructure.

DATE: 14 November 2022

NAME: Transport

COMMENT: No response.

DATE:

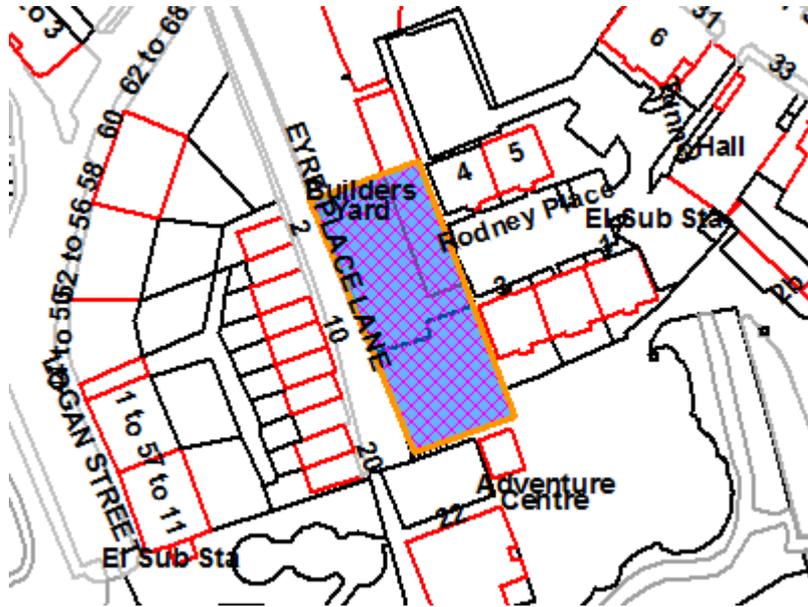
NAME: New Town/Broughton Community Council

COMMENT: Neutral stance with comments.

DATE:

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

Location Plan



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