

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
Bonnington House, Bonnington, Wilkieston.**

**Proposal: Land North of Bonnington House Steadings, Kirknewton.
Proposed development of a gallery and micro distillery (including integrated dunnage) formed around a new orientation building providing staff and visitor facilities, cafe, and ancillary gift shop, landscaping, parking and ancillary works (as amended).**

**Item – Committee Decision
Application Number – 23/00509/FUL
Ward – B02 - Pentland Hills**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the Chief Planner considers the proposal to be of significant public interest. 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 as no adverse impact on the setting of a listed building will occur. Overall, it is in accordance with the development plan and NPF 4.

The proposal introduces a new use that does not directly relate to the principle use of the wider site as a sculpture park and art gallery. However, this new use forms part of an extension to an established, tourist facility to replace and enhance its existing facilities. It forms part of an overall high-quality, integrated design concept, which is of scale and position that will not detract from the rural character or landscape quality of the countryside. An infringement of countryside policy criteria c) in policy Env 10 is considered appropriate in these specific circumstances.

It helps support an existing arts and cultural venue with some associated social and economic benefit through job creation. The buildings are highly sustainable with additional measures incorporated to contribute towards climate mitigation and adaptation.

There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated and road safety matters have been addressed.

The proposal has regard to matters of equality and does not raise any specific matters in relation to human rights.

On balance, the merits of the proposed development outweigh its disbenefits and any infringements of policy. The proposal is therefore acceptable overall.

SECTION A – Application Background

Site Description

The proposal site is an area of land comprising of 1.8 hectares forming part of an open field located to the north side of Bonnington House.

The land slopes down to the northern side of the site and is bounded by trees near its west and south boundaries. Views out beyond are primarily of open countryside and trees. Small settlements and agricultural buildings are also present. To the far east, is the new Calderwood residential development with the River Almond beyond. To the west, is Bonnington Mains Farm and Bonnington Ridge. The site is bordered by a road to the west which connects to Clifton Road to the north and Bonnington Road to the east.

This road provides access into the grounds of Jupiter Artland Sculpture Park, set over 120 acres of land in total. Bonnington House, a category A listed (LB26826, date 22/01/1971) two storey and attic over a low basement is a focal point within this landscape. Historically, a dwelling has been on-site since the 17th century and the present structure dates from the early 18th century. The Jacobean style mansion is set within mature landscaped grounds. On its west side, are converted steading buildings which provide facilities to support the sculpture park including an art gallery, gift shop and café space.

The existing car park is to the north-east corner of the grounds. Visitors arriving by car, access this via the B7015 to the south with walking routes into the visitor centre and gardens. The exit route is to the north at Clifton Road.

The site is designated as Countryside in the Edinburgh Local Development Plan (LDP). Special Landscape Areas are located to the north and east. The boundary of the LDP is also located to the south and far west with West Lothian Council beyond this.

Description of the Proposal

The proposal is for an Art Centre and Craft Distillery located on an open field immediately north of the existing grounds of Jupiter Artland. The overall footprint would be approximately 1,810 square metres in total. This would comprise of four pitched roof buildings of varying scale which generally follow a consistent form with symmetrical dual pitched roofs and long narrower profiles. Their height would range between approximately 12.8 m to 6.1 m, with an overall depth of 48 m. Three of the buildings would be physically linked via flat roof sections in between.

External materials include mainly dark charred timber cladding with some smaller dark brick sections. Large rectangular windows would face out onto open fields beyond the site to the north and belt of trees to the south. Roofs would be constructed in a dark grey zinc with solar panels installed.

Internally, these buildings would accommodate a gallery, shop, café/restaurant and distillery production with associated storage / tasting areas. On the first floor, would be additional distillery production and office space accessed via a lift and stair case.

Between the buildings would be an external landscaped courtyard and terrace with seated space, planters and water features. The detached dunnage would be to the far east of the site.

The main entrance to the site would be via its north side which would lead into the reception area. Beyond this, parking space would be formed constructed in grasscrete. This would include provision for 51 car parking spaces in total (including 8 accessible bays), 20 cycle spaces and mini bus space.

Soft landscaping would be bordering these areas including the planting of medium and large sized trees and a wildflower mix.

An accessible, landscaped path to the south would link the site into wider grounds of Jupiter Artland.

The existing access track bordering the site and connecting to the wider grounds will be widened in sections and at the junction with Clifton Road. This access road will be used leading to the visitor exit point from the site and also the entrance for service vehicles.

Revised Scheme

- Parking provision altered with standard car parking spaces reduced from 47 to 43 spaces, accessible bays increased from 5 to 8 spaces and cycle parking increased from 10 to 20 spaces.
- Proposed floor heights detailed on plans.
- Changes to drainage plans

Supporting Information

- Arboricultural Tree Survey Report and Schedule
- Design Statement
- Drainage Strategy
- Environmental Statement
- Flood Risk Assessment
- Heritage Statement and Historic Landscape Appraisal
- Landscape and Visual Appraisal information
- Noise Impact Assessment
- Odour Impact Assessment
- Phase 1 Desktop Study (Ground condition / contaminants)
- Planning Statements
- Preliminary Ecological Appraisal
- Sustainability Information
- Transport Statement
- Tree Survey

Relevant Site History

23/00509/SCR
Bonnington House
Bonnington
Wilkieston
Kirknewton
EH27 8BB

Screening Request associated with proposed development of a gallery and micro distillery, cafe, and ancillary gift shop, landscaping, parking and ancillary works
EIA Not Required
2 March 2023

16/03812/FUL
Bonnington House
Bonnington
Kirknewton
EH27 8BB

Erect extension to existing cafe/restaurant at south-west corner of existing steading, knocking through existing cafe building west gable at door height.

Granted

3 October 2016

16/03810/LBC
Bonnington House
Bonnington
Kirknewton
EH27 8BB

Erect extension to existing cafe/restaurant at south-west corner of existing steading, knocking through existing cafe building west gable at door height.

Granted

30 September 2016

Other Relevant Site History

The site has an extensive planning history which can be viewed in full on the Planning and Building Standards Online Service.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Edinburgh Airport Safeguarding

Historic Environment Scotland

West Lothian Council

Scottish Water

Scottish Environment Protection Agency

Flood Planning

Waste Planning

Environmental Protection

Archaeology

Economic Development

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 February 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 17 February 2023

Site Notices Date(s): 14 February 2023

Number of Contributors: 56

Section B - Assessment

Determining Issues

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

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

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

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

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

- Managing Change in the Historic Environment : Setting

Bonnington House with balustrade wall

The site is located to the north of Bonnington House, a Category A listed building (LB ref: LB26826, date added 22/01/1971).

HES Statement of Special Interest details that the original house dates to the early 17th century and apparently doubled in size around 1720. The listing describes it as a Jacobean mansion of two storeys with an attic. It is constructed in sandstone externally finished in a light coral render and a pitched slate roof. Detailing includes a prominent front gable with arched stone features, entrance steps bordered by stone balustrades.

The City Councils' 'Survey of Gardens and Design Landscapes - Bonnington' describes the house' setting as a core landscape of densely planted policies surrounding the house, set within a much wider landscape framework of field dykes and satellite plantations. The survey shows the site as forming part of this assets' wider setting, part of agricultural fields to its north beyond the dense belt of trees at its boundary.

The submitted heritage statement and historic landscape appraisal outlines the changes that have occurred to this designed landscape over time. Presently, the estate is bordered by trees on three sides. Avenue trees to the north, and a denser belt of trees to the south and west.

Whilst it will change part of this open farmland its siting would be out with an identified main panoramic view from the west. The proposal site is a small part of this historic assets' essential setting. Its scale and siting would avoid impacting on any main views of the historic asset or to the wider landscape from its essential setting.

Overall, the proposal will not have an adverse impact on the setting of this listed building.

Bonnington Sundial and Bonnington Dovecot

These structures are both listed separately and date back to the original Bonnington House from the late 17th century.

The sundial is located to the west of the grounds (LB26853, date added: 13/01/1975). The dovecot is to the north corner of the wall garden (LB26839, date added: 22/01/1971).

The proposed development will be spatially detached from these structures, located beyond the belt of trees to the north of the walled garden. This position will not be read in the immediate context of either structure or in this respect will not impact adversely on their setting.

Conclusion in relation to the listed building

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Sustainable Place Policies 1, 2, 3, 4, 5, 6, 7, 9, 13,
- NPF4 Liveable Place Policies 14, 20, 22,
- NPF4 Productive Places 29, 30, 31,

- LDP Developer contributions policy Del 1
- LDP Design policies Des 1, Des 3, Des 4, Des 5
- LDP Environment policy Env 10, 12, 16, Env 21 , Env 22,
- LDP Transport policy Tra 2, Tra 3, Tra 4
- LDP Retail policy Ret 8,

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

Countryside

LDP policy Env 10 (Development in the Green Belt and Countryside) states development within the Countryside will only be permitted where it meets one of the relevant criteria and would not detract from the landscape quality and or rural character.

- a) Is for purposes of agriculture, woodland and forestry, horticulture or countryside recreation or where a countryside location is essential subject to consideration of design and scale
- b) For the change of use of an existing building
- c) For development relating to an existing use or building such as an extension to a site or building, ancillary development or intensification of use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, high quality design and acceptable in terms of traffic impact.
- d) For the replacement of an existing building with a new building in the same use subject to various considerations including that its position should be in the existing structures' curtilage.

Supporting paragraph 183 states the key test for all proposals in the Countryside will be to ensure that development does not detract from the landscape quality and or rural character of the area.

Regarding the above, c) is the only applicable criteria for this proposal. The below sections provide assessment against each part of this criteria.

In addition, NPF 4 policy 9 b) states proposals on greenfield sites will not be supported unless explicitly supported by LDP policy.

The proposal is an extension to an existing site as the new buildings will form part of enlarging the grounds of Jupiter Artland. The land being located directly north of the existing site with a new, link path to connect into the existing facility.

The development will mainly relate to an existing use as the proposals seek to replace the current visitor centre which supports the functioning of the sculpture park. The proposed gallery, café and retail uses form part of the existing visitor centre and are appropriate to the sites' primary function. The supporting information details larger buildings are needed for these uses to accommodate present visitor numbers and to continue to attract world class artists for major exhibitions.

The micro-distillery would introduce a new use on-site which does not directly relate to sculpture park and art gallery's existing offering. It is stated this element is needed to provide a strategy for Jupiter Artlands' long-term viability. The proposed concept links this distillery element to the art offering through an 'art gallery distillery' with each space connected internally.

In regard to scale, the new Art Centre and Craft Distillery footprint of 1,800 m² will be significantly larger than the current visitor centre. In tandem with the buildings' height and depth, the development will be seen from the surrounding landscape. However, the design concept is of a high-quality which relates well to the rural context. Buildings take cues from simple farm buildings nearby through their pitched roof forms with use of a limited number of materials. The extensive use of charred timber clad walls provides a softer, external appearance. In tandem with its muted dark shade for this aspect and the zinc roof, the muted dark tones will help blend the buildings its natural surroundings such as the backdrop of trees immediately south.

Whilst seen, the submitted LVIA (Landscape Visual Impact Assessment) shows the buildings will mainly be visible in closer view from the north and east. The developed part of the site forms only a small part of the Bonnington Farmland LCA. The LVIA details the developments' wider effect across the landscape would be limited through the nature of the landscape including existing tree cover and larger agricultural buildings in the vicinity.

Furthermore, the design seeks to minimise visibility of other associated parts of the development including the hard surfaces for the car park and seated areas. This includes use of soft features with trees, ranging shrub planting and grasscrete.

In regard to traffic, it is not envisaged there will be any unacceptable impacts. The submitted transport statement details that the development is not anticipated to generate significant additional vehicle trips across the local network. No objections from Transport Planning have been received on this aspect.

Overall, the proposal does not fully comply with LDP policy Env 10 as there is an infringement in regard to criteria c) and subsequently the development of this greenfield site is contrary to NPF 4 policy 9 b).

The micro-distillery does not immediately relate to the main use of the existing facility as an outdoor sculpture park and art gallery. However, it forms a relatively small part of interlinked proposals which seek to provide new, enhanced facilities to support and diversify the offering of an established tourist facility.

Through the buildings' appropriate high-quality design, proportionate scale and surrounding land characteristics it will not detract from the landscape quality or rural character of the area. In consideration of this and the above, an infringement of criteria c) of policy Env 10 is considered acceptable in these specific circumstances where the key tests of the countryside policy are met.

Design

LDP policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area.

LDP policy Des 3 (Development Design - Existing and Proposed Features) requires development to demonstrate existing characteristics and features worthy of retention have been incorporated.

LDP policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

As per the above, the development is a high-quality design. It will use modern materials that take cues from the existing rural context. The use of dark muted colours will help blend the buildings into the landscape.

The overall footprint of the development will be large however it is in proportion to the scale and form agricultural buildings nearby. In tandem with its high-quality design it will appear in keeping with the rural landscape in wider view. The inclusion of a mix of soft landscaping will help soften the buildings appearance in the wider context. The range of hard surfaces, with inclusion of gravel and cobbles surfaces is appropriate to this more rural location. The proposal largely retains features on-site that contribute positively to the areas' natural landscape character and addition of new trees will enhance this.

The proposal largely complies with LDP Design policies.

Climate Change and Mitigation

NPF 4 policy 1 (Tacking the climate and nature crises) states when considering all development proposals significant weight will be given to the global climate and nature crises.

Sustainability

NPF 4 policy 2 (Climate mitigation and adaptation) intent is to encourage, promote, and facilitate development that minimises emissions and adapts to current and future impacts of climate change.

The submitted sustainability information outlines the sustainability credentials of the development.

The proposal will include measures to help mitigate impacts of climate change. The S1 sustainability form details that the building will be constructed with locally sourced recycled materials, high levels of insulation to minimise heating requirements and plan forms designed to maximum natural light. In addition, sustainable features are incorporated into the design including photovoltaic panels and cycle parking provision.

In this regard, the proposal broadly complies with NPF 4 policy 2.

Ecology and Trees

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

LDP policy Env 12 (Trees) states that development will not be permitted if likely to have a damaging impact on protected trees, unless required for good arboricultural reasons. Where permission is granted, appropriate replacement planting will be required to offset the loss.

LDP policy Env 16 (Biodiversity) states that development will not be permitted which will be detrimental to the maintenance of protected species.

The submitted Preliminary Ecological Appraisal concludes that no bat roosts or badgers were recorded on site. Furthermore, that the sites' redevelopment will not have an impact on these protected species. Protected species are not therefore a constraint to the development and no further surveys are required.

Four trees are proposed for removal including three category U specimens to accommodate the road adjustments and one category A tree in order for the new accessible ramp to provide access into the existing grounds.

As identified in the submitted tree report, these specimens are generally in satisfactory health and condition. As a collective grouping, the trees make a positive contribution to the landscape value and amenity of the area. In this regard, there is a presumption against their loss and their removal is contrary to LDP policy Env 12.

As mitigation, the proposal includes a detailed landscape plan for new planting including 14 medium and large sized trees bordering the parking space and building edge. In addition to new trees, a wildflower meadow and shrub planting will be formed fronting the buildings entrance.

Whilst the development will result in the loss of trees worthy of retention, appropriate mitigation for this loss will be provided, including trees, shrubs and other types of planting that will encourage biodiversity.

In this context, an infringement of LDP policy Env 12 is justifiable as the proposal accords with the overall objectives of NPF 4 Policy 3 and LDP policy Env 16. Conditions have been applied regarding recommended tree protection measures to safeguard retained trees on-site.

Soils

NPF 4 policy 5 (Soils) intent is to protect carbon rich soils, restore peatlands and minimise disturbance to soils from development.

The proposal minimises soil sealing through use of porous materials and soft landscaping around the new buildings. Whilst the development will reduce the extent of prime agricultural land, it is a proportionally modest area of this land as a whole.

In this respect, the proposal seeks to minimise the level of disturbance to soils from the development therefore does not conflict with NPF 4 policy 5.

Flooding

NPF 4 policy 22 (Flood risk and water management) intent refers to strengthening resilience to flood risk by promoting avoidance as a first principle and the vulnerability of existing and future development to 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.

As identified on SEPA online flood risk maps, the site does not have any specific surface water, river or coastal flood risk.

The submitted flood risk assessment and drainage strategy has been reviewed by flood planning. No objections have been received, following receipt of additional drainage information including above ground SUDs features, drainage flows and infiltration testing.

SEPA have commented that the proposal appears to fall below the threshold for offering site specific advice. They have referred to their standing advice in regard to use of private waste water drainage and potential distillery operations. Informatives have been included on these matters to draw the applicants' attention to potential requirements under separate regulations.

In light of the above, the proposal complies with LDP policy Env 21 and NPF 4 policy 22.

Special Landscape Area

NPF 4 policy 4 d) states development that affect a site designated as a landscape area in the LDP will only be supported where it will not have significant adverse effect on its integrity, its identified qualities.

The site is located in some proximity to Ratho Hills Special Landscape Area (SLA) to the east and Upper Almond Special Landscape Area (SLA) to the north.

In regard to the former, the LVIA considers impact on this SLA. It is acknowledged there are potential for views of the development from some elevated vantage points including Tormain and to a lesser degree at Craw Hill to the west side.

However, from these setback locations the proposal would appear a distant element set against extensive tree cover nearby. In these circumstances there would be only a minor impact on the quality or character of this landscape.

With regard to the latter, views from this SLA would largely be restricted by extent of tree cover bordering the adjacent union canal and the proposed development would result in a negligible impact. Furthermore, it is not anticipated the proposal will have any significant affect on the quality and characteristics identified for Bonnington or surrounding areas in the Edinburgh Landscape Character Assessment.

Overall, the proposal complies with NPF 4 policy d).

Tourism and Rural Development

NPF 4 policy 29 (Rural Development) outcomes include delivery of vibrant, sustainable rural places where businesses are supported and a balanced, sustainable rural population.

Policy 30 (Tourism) refers to communities and places enjoying economic, social, and cultural benefits from tourism, supporting resilience and job creation.

Policy 31 (Culture and Creativity) refers to development encouraging, promoting, and facilitating development which supports culture and creative industries.

The site is not designated for tourist use in the LDP however the proposals support the diversification of an existing rural business with some subsequent economic, social, and cultural benefit for local communities. On a small scale, the proposal will help local job opportunities. The supporting information states the site is a significant local employer with 24 full time members of staff.

The proposal will help retain this existing employment and it is anticipated 4 new positions will be created from the distillery. Furthermore, the proposal will help the existing charity work undergone. It is stated the proposals will benefit the existing 'Education Foundation' which offers free tours / workshops to school children through its re-location to the current visitor centre.

In addition, through an enhanced facility including larger art gallery space the development helps support an established cultural industry. The site is in some proximity to smaller settlements nearby such as Kirknewton, East Calder and Ratho and the proposal helps enhance the local, tourist offering.

In this regard, the proposal helps support a rural business with subsequent economic, social, and cultural benefit which potentially help support rural communities nearby. The diversification proposed, will help enhance the offering of an established tourist facility near to more rural detached communities in accordance with objectives of the above NPF 4 policies.

Retail

NPF 4 policy 27 (City, town, local and commercial centres) outcome is to apply a town centre first approach to encourage centres to adapt to economic, environmental, societal changes and encourage town centre living. In addition, that development should be directed to the most sustainable locations, accessible by range of sustainable transport modes.

These outcomes are broadly consistent with NPF 4 policy 28 (Retail) where this sequential approach is applied to preferred location for retail proposals. In addition, that communities can access shops and goods they need by a range of sustainable transport modes.

Proposals for out of centre locations will not be supported unless in certain circumstances including criteria d). This criteria states development proposals in rural areas for shops ancillary to other uses will be supported subject to certain criteria including local impact, impact on commercial / town centres, frequency of service and transport implications.

In addition, the objectives of these NPF 4 policies are broadly consistent with LDP policy Ret 8 (Entertainment and Leisure Development - Other Locations) which sets out criteria for assessing entertainment and leisure developments in other locations.

In this case, no sequential assessment has been sought. City, town, or local centre locations are not appropriate to this specific proposal as it mainly seeks to upgrade the existing facilities a café, gift shop and gallery space on-site to support the function of the sculpture park and art gallery. There is therefore a requirement for the location of the new facilities to be close to the existing offering as an expansion of this existing facility. It is acknowledged the distillery introduces a new use, intended to diversify the existing business, and support its long-term viability. This aspect will be relatively small in scale and connected to these upgraded facilities within one linked building. In light of this, no further information has been sought on this aspect.

Given the specific nature and scale of the development linked to the functioning of the existing sculpture park it is not anticipated it will have an adverse impact on any local or town centres.

The proposal complies with the overall intentions of these policies. It is accepted the new facilities need to be near the existing tourist facility and the proposal will not impact on the vitality and viability of city, town, or local centres.

Other aspects of criteria d) of policy 28 in regard to the proposals local impact, frequency of service and transport have been considered in other sections of this report.

Transport

NPF 4 policy 13 intention is to encourage, promote and facilitate development that prioritise walking, wheeling, cycling and public transport and reduce need to travel unsustainably.

Car Parking

LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance.

The total provision of 51 car parking spaces complies with the EDG guidance for provision within zone 3. In addition, the 12 electric vehicle charging points and 8 accessible spaces also exceed the minimum standards. In addition, it is noted the submitted transport statement details there will be no net increase in car parking on-site, as the intention is to re-locate existing car -parking space in the existing grounds. However, as current car parking provision is out with the application site boundary limited weight can be applied to this in consideration of this planning application.

Cycle Parking

LDP policy Tra 2 (Private car parking) states that car parking provision should comply with and not exceed the levels set out in Council guidance.

Overall, the plans detail 20 cycle spaces including at least 4 non-standard spaces via sheffield racks which exceeds minimum provision of guidance. However, notwithstanding this, a condition has been imposed for full detail of all cycle provision to ensure suitable long-stay provision is incorporated and adequate space provided for non-standard cycle racks.

Road Safety

Representations have raised road safety matters. Issues raised include the suitability of the sites' access road to the north at the junction with Clifton Road, including its limited width, visibility and ease of movement for vehicles of varying scale existing / entering the site.

The submitted transport statement has assessed potential impacts on the road network from the proposal and proposes improvements to the carriageway and junction.

In regard to vehicle movement, visitors will continue to enter Jupiter Artland via the B7015 to the sites' south and exit onto Clifton Road to the sites' north. Larger servicing vehicles will enter and exit the site to the north via Clifton Road. Overall, it anticipated larger vehicle use (HGVs) onto the site from Clifton Road will be limited occurring approximately 1 to 2 times per week and there will be no significant increase in traffic to the surrounding road network.

To address the road safety issues, the access road leading onto Clifton Road will be altered. It will be increased in width at the junction and sections of road to accommodate its level of use and the safe two-way movement of larger vehicles into the site.

On review of this information, Transport Planning have raised no objection but have recommend a condition in relation to the submission of a Stage 2 Road Safety Audit. This aspect of road safety would be assessed under submission of any subsequent road occupation permit under separate legislation. This aspect has therefore been included as an informative as opposed to a condition to highlight this matter to the applicant.

However, a condition has been recommended that the proposed works to the access road and junction detailed on the plans, are carried out in full prior to the operation of the approved development. This is in order to ensure these works to ensure adequate road safety are carried out at an appropriate stage of the development.

Overall

An objective of transport policy is to encourage travel by sustainable means but also that car parking standards are based on local circumstances, including location and public transport accessibility. In its rural location, the site has poorer levels of public transport accessibility than generally in a more urbanised location. It is therefore anticipated most journeys to the site will be by private car.

However, as outlined in the submitted transport statement, it is not anticipated the proposal will generate significant additional vehicle trips. Furthermore, the car parking provision complies with standards and is therefore commensurate to the sites' less accessible location. The proposal includes works to address matters of road safety and a condition has been recommended to ensure implementation of these works at an appropriate stage of the development.

In addition, the parking layout will help support sustainable or more environmentally friendly means of travel. A good proportion of cycle parking, EV charging points and space for minibus provision is included with the applicant's running a collection service from Kirknewton Train Station nearby.

Whilst limited, there is an ability to access the site via sustainable modes of transport. Lothian bus service X 27 near the south entrance provides access from Edinburgh and greater range of services are available to the west in Wilkieston including nos 40, X22, X27 and X40 an approximate 10 minute walk from the wider site entrance. In this respect, as an extension to an established tourist facility in this rural location, the overall transport provision is acceptable, in line with LDP policy and is not at odds with NPF 4 policy objectives.

Amenity

LDP policy Des 5 (Amenity) states permission will be granted for development where demonstrated the amenity of neighbouring developments is not adversely affected.

LDP policy Env 22 (Pollution and Air, Waste and Soil Quality) states permission will be granted for development where there will be no significant adverse effects for health, the environment and amenity.

Supporting paragraph 201, details that proposals will be assessed to ensure development does not adversely affect air quality in identified Air Quality Management Areas (AQMA).

NPF 4 policy 23 (Health and Safety) also states development proposals likely to have a significant adverse effect on health will not be supported.

Noise and Odours

A Noise Impact Assessment (NIA) and Odour Assessment (OA) have been submitted to consider potential impacts from new uses on residential properties within 500 m of the site. This includes Bonnington House and a steading (south) and residential dwellings on Clifton Road (north). The NIA concludes that operational noise from proposed uses is likely to have a low impact on nearest residential properties. Furthermore, that entertainment noise is predicted to comply with the relevant noise criteria.

The odour assessment considers impacts from operations of the micro distillery. It includes information on the dispersion of odours from the distilling process in relation to nearest residential properties where it indicates compliance with relevant best practice. Further, it is detailed that the café is adequately spaced from residential properties to avoid adverse effect from cooking odours.

Environmental Protection

Following review of this information, no objection has been made by Environmental Protection (EP). It is therefore anticipated the proposal will not have an adverse impact on noise or odour to any residential properties. Given the larger distances retained to properties out with the submitted assessments it is not envisaged any adverse impact on amenity will occur.

A condition has been recommended for a site survey to be submitted to assess any potential contaminants and ensure the site is or, can be made safe for its end use. This condition has been applied.

EP also recommend that the proposed EV charging points should be installed prior to occupation of the development. In addition, that the power and capacity of the 8 EV charging points proposed. A condition has been included to this effect. However, recommended detail regarding their power and capacity has not been included as this not a specific requirement of the EDG provision per use class. This is therefore a matter for the applicant to consider separately.

Health

It is detailed that the proposed development will be run by an electric system of heating and cooling with no emissions. The site is not located within an Air Quality Management Area and with regard to the proposed uses and their scale no specific adverse impacts on air quality or health is anticipated.

It is noted West Lothian consultee response refers to the potential for buildings and trees in the vicinity of distilleries to result in increased mould growth. The applicant has provided a supporting statement detailing no direct link between this and the Scotch Whisky industry or any health risk from this 'blackening'.

In light of this there is no specific effects on this aspect identified from the proposal that require to be mitigated against and there are separate minimum standards the distillery operations will be required to adhere to including those detailed under the Environmental Protection Act 1990.

Daylight, sunlight, privacy or immediate outlook

In addition, the proposed development will retain large separation distances to all nearest residential properties. Given this, there is no specific concern in regard to impact on daylight, sunlight, privacy or immediate outlook.

Overall

In light of the above, it is not anticipated that the proposal will have an adverse effect on health, the environment and amenity. Subject to condition, the proposal complies with LDP policy Des 5, Env 22, and NPF 4 policy 23, 31.

Conclusion in relation to the Development Plan

Overall, the proposal is in accordance with the development plan.

The distillery is a new use that does not directly relate to the principal use of the sculpture park therefore the proposal does not wholly comply with criteria c) of Env 10. However, this new use is small part of an extension to an established, tourist facility. It is an appropriate high-quality design and scale that will not detract from the rural character or landscape quality of the countryside. An infringement of policy is considered appropriate in these specific circumstances.

There will be no adverse impact on historic assets nearby. The buildings are highly sustainable and incorporated measures to contribute towards climate mitigation and adaptation. There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips and road safety matters have been addressed. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated.

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

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

The new site will offer much greater accessibility to all visitors coming to the site. Existing buildings are not fit for purpose and were not designed to accommodate the number of visitors which the Artland now attracts.

A fully accessible route is being provided between the proposed development and existing Sculpture Park. The path will be ramped/landscaped meeting building standards regulations to achieve the change in levels and allow fully accessible connection between the proposed building and the sculpture park.

Internally, a number of the main facilities are located in convenient locations near the building entrance whilst there is also provision for a lift and accessible WV facilities. Externally, 8 accessible parking bays are also included.

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:

Support

material considerations

- Enhance existing tourist facility with educational, cultural, community, and economic benefit : Addressed in section b) Tourism and Rural Development
- High quality, appropriate design / materials in keeping with landscape: Addressed in section b) Countryside and Design
- Highly sustainable development: Addressed in section b) Climate Change and Adaptation

General

- Road safety and Sustainable Transport: Addressed in section b) Transport

Objection

material considerations

- Adverse impact on traffic and road safety : Addressed in section b) Transport
- Sustainable transport should be considered : Addressed in section b) Transport
- Adverse impact on neighbours' amenity : Addressed in section b) Amenity
- Inaccurate and incomplete information submitted : The submitted information is considered adequate to accord with relevant legislation to validate and determine the planning application.
- Loss of greenspace / negative impact on landscape : Addressed in section b) Countryside
- Adverse impacts on biodiversity, wildlife and landscape : Addressed in section b) Climate Change Mitigation and Adaptation
- Inappropriate design and scale : Addressed in section b) Countryside and Design
- Adverse impact on drainage : Addressed in section b) Climate Change Mitigation and Adaptation

Conclusion in relation to identified material considerations

The material considerations support the presumption to grant planning permission.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as no adverse impact on the setting of a listed building will occur. Overall, it is in accordance with the development plan and NPF 4.

The proposal introduces a new use that does not directly relate to the principle use of the wider site as a sculpture park and art gallery. However, this new use forms part of an extension to an established, tourist facility to replace and enhance its existing facilities. It forms part of an overall high-quality, integrated design concept, which is of scale and position that will not detract from the rural character or landscape quality of the countryside. An infringement of countryside policy criteria c) in policy Env 10 is considered appropriate in these specific circumstances.

It helps support an existing arts and cultural venue with some associated social and economic benefit through job creation. The buildings are highly sustainable with additional measures incorporate to contribute towards climate mitigation and adaptation.

There will be a general reliance on car usage however, it not anticipated there will be a significant additional increase in overall vehicular trips. It will safeguard the amenity if existing occupiers. Provision for sustainable transport modes has been incorporated and road safety matters have been addressed.

The proposal has regard to matters of equality and does not raise any specific matters in relation to human rights.

On balance, the merits of the proposed development outweigh its disbenefits and any infringements of policy. The proposal is therefore acceptable overall.

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 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.
3. 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 Planning Authority.

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 Planning Authority.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
5. 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/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.

6. 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.
7. The approved landscaping scheme shall thereafter be fully implemented within six months of the completion of the development.
8. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
9. Prior to the commencement of the development full details of the cycle storage shall be submitted and approved in writing by the Planning Authority.
10. Prior to the commencement of the development full details of the proposed accessible link path detailed on approved plan reference number 02 B shall be submitted and approved in writing by the Planning Authority.
11. The proposed junction and carriageway works detailed on approved plans reference number 03, 04 and 05 shall be carried out in full prior to first operation of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. To ensure the site is safe and stable for its end use.
4. In order to safeguard the interests of archaeological heritage.

5. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. In order to ensure implementation on landscaping on-site.
8. In order to protect retained trees on-site.
9. In order to provide appropriately designed cycle storage for all users.
10. In order to consider this matter in detail and ensure adequate accessibility.
11. In the interests of road safety.

Informatives

It should be noted that:

1. 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.
2. 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.
3. The applicant will require a road occupation permit for proposed works at the junction with Clifton Road. Further details in regard to this can be found via the following link : <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>
4. A Travel Plan is to be implemented for the development.
5. The applicant should refer to SEPA's consultation framework and standing advice and also consult the regulations section of the website, including the CAR Practical Guide, and contacts the water permitting team for further advice (waterpermitting@sepa.org.uk).

Consultation framework and standing advice :

<https://www.sepa.org.uk/media/594101/sepa-triage-framework-and-standing-advice.pdf>

CAR Practical Guide : https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf

Water regulations : <https://www.sepa.org.uk/regulations/water/>

6. All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted.
7. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>).
8. The developer will be required to source a private waste collection provider, further details on this can be found here :

http://www.edinburgh.gov.uk/info/20001/bins_and_recycling/1518/trade_waste.

9. A travel plan should be implemented for the development.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 10 February 2023

Drawing Numbers/Scheme

01, 02 B, 03 - 05, 06 A - 07 A, 08, 09 A - 11 A, 12 - 13, 14 A, 15 A, 16 - 20

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lewis McWilliam, Planning Officer
E-mail: lewis.mcwilliam@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Edinburgh Airport Safeguarding

COMMENT: No objections subject to condition regarding submission of a Bird Hazard Management Plan.

DATE: 21 February 2023

NAME: Historic Environment Scotland

COMMENT: No comment on the proposals.

DATE: 27 February 2023

NAME: West Lothian Council

COMMENT: General comments provided on the proposals.

DATE: 3 March 2023

NAME: Scottish Water

COMMENT: No objections however the availability of capacity will be reviewed once a formal connection application is submitted to SW after planning permission has been granted.

DATE: 15 February 2023

NAME: Scottish Environment Protection Agency

COMMENT: The application falls below the thresholds for which SEPA provides site specific advice. Advice on SEPA website should be referred to in regard to aspects of the proposal controlled under separate regulations.

DATE: 17 February 2023

NAME: Flood Planning

COMMENT: No objections. The applicant should obtain necessary approval for the private foul water treatment measures and discharge to the soakaway.

DATE: 25 May 2023

NAME: Waste Planning

COMMENT: The applicant will require a private waste collection provider.

To comply with legislation, Waste (Scotland) Regulations require the segregation of defined waste types to allow for recycling.

DATE: 14 February 2023

NAME: Environmental Protection

COMMENT: No objections subject to conditions relating to a site survey to ensure land can be free from contaminants and installation of suitable electric vehicle charging points.

DATE: 20 March 2023

NAME: Archaeology

COMMENT: No objections subject to condition for a programme of works to be submitted and approved by the Planning Authority.

DATE: 27 February 2023

NAME: Economic Development
COMMENT: No specific comments on proposals.
DATE: 15 March 2023

NAME: Transport Planning
COMMENT: No objections subject to conditions or informatives regarding a road safety audit, travel plan and cycle parking.
DATE: 20 April 2023

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

Location Plan



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