

Development Management Sub-Committee Report

Wednesday 9 August 2023

Application for Planning Permission

**Land 20 Meters North-east Of 74 Eyre Place &, 49 - 51 Eyre Place,
Edinburgh**

**Proposal: Clearance and demolition to erect 11x flats and
maisonettes, new garden ground and associated infrastructure (As
Amended).**

Item – Committee Decision

Application Number – 23/01201/FUL

Ward – B05 - Inverleith

Reasons for Referral to Committee

The application has been referred to the Development Management Sub Committee as part of the site is owned by the Council.

Recommendation

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

Summary

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places. The proposed development does not comply with LDP policy Env 18 e) as the loss of open space is not for a community benefit. The planning history and the characteristic of the site is a relevant material consideration in balancing its loss against LDP policy Des 2 (Co-ordinated development). The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. It would therefore be unreasonable to refuse planning permission. An exception to LDP policy Env 18 e) is therefore justified. The proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions have been applied to address further matters in more details. There are no material considerations that would outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site relates to the premises of the former 'Smithies' public house at 49 - 51 Eyre Place and an area of open space on land located 20 metres north-east of 74 Eyre Place. The total site area measures approximately 704 sqm.

The public house is a single storey flat roofed building with a basement level and has been vacant since March 2020. The building dates from the last quarter of the 19th century with some traditional features but is much altered. The north-west section of the building adjoins the 'Banana Row' music studio which from street level, is a single storey building with a pebble dash render finish and a hipped roof.

The north-east section of the building fronts onto an area of open space, owned by City of Edinburgh Council. The open space to the north-west/north is enclosed by three to four storey tenement flats on Canonmills. From Eyre Place, a high stone wall with gated entrance and steps occupies the sloping south-east section of the site, alongside trees and shrubbery.

The open space was previously occupied by two four story residential tenement blocks before its demolition early 1980's. Remnants of the previous tenements is evident in the nibs detailing found on the south-west gable of 1 Canonmills. The site became informally used as accessible open space by residents of Cannonmills tenements. A makeshift drying structure was found. Outside the application site, tenement properties at 2-6 Cannonmills have a strip of communal open space, with a depth between 4.3 metres to 4.6 metres. This section sits approximately 400 mm below the application site with stepped access.

The open space is not designated as 'open space' in the adopted Edinburgh Local Development Plan map.

Directly across the site at 72-74 Eyre Place is a vacant builders' merchant/yard. A recent appeal to develop this site for student housing was dismissed (DPEA reference, PPA-230-2408). To the west of the site at 1 - 3 Canon Street, works have started in connection with planning permission 18/07826/FUL for the development of residential flats and a commercial space.

The prevailing height of buildings on Eyre Place is between three to four storeys. The predominate materiality is stone (red/grey) and buildings generally date from the 19th century.

The application site is within a mixed-use area with both commercial and residential uses. Below the site to the north-west is the existing BP garage on Canonmills.

The application site is not within a conservation area but is situated between the New Town Conservation Area and the Inverleith Conservation Area. The nearest listed buildings are located on the west side of Canon Street.

Description Of The Proposal

It is proposed to demolish the former 'Smithies' public house and clear the adjacent open space to accommodate the development of 11 flats and maisonettes with new garden ground and associated infrastructure.

The proposed development from Eyre Place street level will be two storeys in height. A standalone recessed third storey is to form a 'book end' to the development and to provide roof terrace amenity for the upper maisonettes. Due a drop in the site levels, the development to the rear will be between three to four storeys.

The proposed treatment finish includes ashlar sandstone, proprietary render, zinc cladding, glass balustrades and UPVC double glazed windows and patio doors. The proposal includes a green roof.

In terms of boundary treatments to the rear, this includes a 1.8metres high timber fence to existing retaining wall and a 1.1 metres high stone wall which will reuse stone salvaged from existing wall on Eyre Place boundary.

Nine maisonettes will each have a main door access from Eyre Place. Two flatted units will have shared access. The schedule of accommodation includes two-bedrooms (x 10) and three-bedroom (x 1) units, ranging between 79 sqm to 132.7 sqm.

Unit 2 to unit 9 will have direct access to approximately 144 sqm of communal garden space. The communal garden is to be used jointly by future occupiers of the new build and accessible to existing residents within Canonmills tenements. The existing access steps from Eyre Place is to be re-located north- east of the site to maintain existing access arrangement. The existing nib left from the previous tenements on the site is to be shortened and the stonework readdressed.

A roof terrace is proposed for unit 1 and unit 5. Unit 5 will also have a small balcony area.

Zero parking is proposed for this site. Provision for cycle parking is to be provided within the hallway/cupboards of each units, except for the shared entrance flats, where communal storage will include two sheffield stands and space for non-standard bike. The proposed development is to accommodate a total of 24 cycle spaces.

It is proposed to remove 22 trees (category U and category C value) and replant with two small rowan trees.

Communal bin stores are located internally on ground floor.

Air source heat pumps for each unit are proposed.

Scheme one

The original scheme was amended to add more articulation to the design of the proposed development and to break up the use of ashlar sandstone and render within the scheme.

Supporting Information

- Planning Statement (including Addendum May 2023)
- Design Statement
- Asbestos Survey Report
- Daylighting Analysis (June 2023)
- Energy Strategy
- Noise Impact Assessment
- Surface Water Management Plan
- Preliminary Contamination Risk Assessment
- Tree Survey Report

Relevant Site History

No relevant site history.

Other Relevant Site History

29 May 2020 - Planning permission in principle granted for the demolition of the existing public house at 49-51 Eyre Place and to erect housing on the site (application number, 19/05565/PPP).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Flood Prevention

Archaeology

Waste Management Services

Children and Families

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 11

Section B - Assessment

Determining Issues

This report will 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 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 NPF4 and LDP policies to be considered are:

- NPF4 Sustainable Places policies 1, 2, 3, 4, 6, 7, 9, 12 and 13;
- NPF4 Liveable Place policies 14, 15, 16, 18, 20 and 22;
- NPF4 Productive Place policies 25;
- LDP Design policies Des 1, Des 2, Des 3, Des 4 and Des 5;
- LDP Environment policies Env 12, Env 18 and Env 21;
- LDP Housing policies Hou 1, Hou 2, Hou 3 and Hou 4;
- LDP Transport policies Tra 2, Tra 3 and Tra 4; and
- LDP Delivering the Strategy policy Del 1

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

Acceptability of the Development in Principle

Principle of housing

NPF4 policy 16 f) (ii) states development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, currently brownfield, it is in close proximity to Rodney Steet Local Centre and other services, as well as public transport links and existing active travel networks. Additional localised spending has the potential to enhance the vitality and vibrancy of the area for a community benefit in line with NPF4 policy 25.

Policy 9 of NPF 4 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

There are no policies that safeguards against the loss of a public house.

The site lies within an urban area defined in the Edinburgh Local Development Plan (LDP). Policy Hou 1 gives priority to the delivery of the housing land supply on suitable sites within the urban area provided proposals are compatible with other policies in the plan

The site lies within an urban area as defined in the Edinburgh Local Development Plan (LDP). Subject to the proposed development being compatible with other policies in the plan under LDP policy Hou 1 c), the principle of housing on the site is acceptable.

The proposed development complies with NPF4 policy 16 and LDP policy Hou 1

Loss of open space

NPF4 policy 20 a) requires development proposals not to result in or exacerbate a deficit in blue or green infrastructure provision. The planning authority's Open Space Strategy should inform this. Criterion d) states development proposals for temporary open space or green space on unused or underused land will be supported.

The site is within 85 metres walking distance to King George V Park. This public park is 2.19 ha and was graded as 'very good' in the Open Space Audit 2016. The proposed development will not be detrimental to the wider network or result in a deficit of green infrastructure provision in this location. The proposal includes 144 sqm of communal garden space for use all residents, including existing residents in the neighbouring tenement building.

LDP policy Env 18 (Open space protection) (a) to (e) sets out the circumstances where loss of open space would be permitted. This policy seeks to protect all open spaces, both public and privately owned.

The existing open space is approximately 550 sqm and part of the site is underused with overgrown vegetation. The embankment section of the site comprises of low-quality trees. The open space is bounded by tenement buildings on Canonmills and high walls on Eyre Place with a gated and stepped entrance. This enclosed arrangement gives the impression that the open space is private communal grounds for occupants of Canonmills tenements only. In terms of the before and after situation, a reduction in the open space will not have a significant impact on the quality or character of the local environment.

Due to the enclosed nature of the site with stepped access from Eyre Place, the open space is not accessible to all. A reduction in the open space will not result in under-provision of open space in this location as the site within walking distance to a public park.

Given the urban context of the site, a reduction in the open space will not be detrimental to wider networks. The inclusion of green roofs within the proposal will enhance biodiversity.

The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. Given that the new communal garden space would be shared between future occupants of the new build and existing occupants of the tenement building, it would be unreasonable to require improvements to an existing public park or other open space.

The proposed development is not for a community purpose and the proposal does not comply with LPD policy Env 18 e). However, the planning history of the site is a relevant material consideration. Part of the site was granted planning permission in principle 19/05565/PPP for the demolition of the former public house and its replacement with housing. The design was a reserved matter specified in conditions. That permission expired on 29 May 2023. Previous design schemes for the site were challenged in the requirement to meet LDP policy Des 2 (Co-ordinated Development) and to provide open space for future occupants. This resulted the open space under CEC ownership to be included in the current proposals. While the proposal is not for a community purpose, the new communal garden space is to be used by all residents, including residents of Canonmills tenements. This is demonstrated in the proposed design and layout of the site. Given the planning history and other policy considerations, it would be unreasonable to refuse planning permission when the proposal will not result in the adverse loss of open space provision in this location. An exception to LDP policy Env 18 e) is therefore justified.

Principle Conclusion

The proposal complies with the NPF 4 policy objectives to support sustainable re-use of brownfield, vacant and derelict land, and to help reduce the need for greenfield development. The proposal does not comply with LPD policy Env 18 e) as the proposal is not for a community purpose. However, the reduced open space provision is acceptable as the new communal garden is to be used by all residents, including residents of Canonmills tenements. The proposal will not result in the adverse loss of open space provision. An exception to LDP policy Env 18 e) is therefore justified. The principle of housing is acceptable and complies with LDP policy Hou 1.

Demolition

NPF4 policy 9 d) states that given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

An addendum to the Planning Statement (May 2023) was provided to address NPF4 9 c). The architectural merits of the building do not warrant its retention. Retrofitting the building would not achieve the same energy efficiency and savings as a new build. Retaining/altering existing building presents structural and compliance issues with building regulations. Open market sale of the premises since March 2021 highlighted no appetite for ongoing use as a public house or potential for office use. Rising construction costs makes the retention/conversion of the building commercially unviable.

While demolition is regarded as the least preferred option, the planning history of the site and the brownfield constraints of the site is an overriding material consideration in addressing the challenge to achieve a more compact and co-ordinated development on the site. Salvaged stone from existing wall on Eyre Place boundary for the new rear boundary will reduce embodied carbon and addresses the requirements of NPF4 policy 12 and LDP policy Des 3 in terms of reusing existing materials.

Development design

NPF4 policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places (healthy, pleasant, connected, distinctive, sustainable, and adaptable).

LDP Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place and is of a high standard of design.

LDP Des 2 (Co-ordinated development) requires development proposals not to compromise the effective development of adjacent land.

LDP Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) requires consideration of features within the site worthy of retention to be retained and enhance through its development design.

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

The Edinburgh Design Guidance does not preclude the introduction of contemporary development.

In the context of its surroundings and prevailing heights, the proposal will be subservient in scale and form. The development will be appropriately sited between buildings, and it will not have a domineering presence on nearby buildings.

While flat roofs are not characteristics of the more traditional buildings in this area, the scheme was revised to reduce the monolithic impact of its design. The changes include more articulation to the detailing of its façade, rooftop design, and breaking-up the use of stone and render as a treatment finish. The additional detailing adds visual interest to the street and allows the development to be more distinctiveness in appearance. The proposal includes a green roof and given the requirement to address climate change emergency through development design, this is a relevant consideration in allowing flatter roofs.

While the predominate materiality in this area is stone, the texture and colouring (red/grey/blonde) vary between buildings. When viewing the proposed development from Eyre Place and Canonmills, the detailing and the limited palette of materials, including ashlar sandstone and render is acceptable. The proposed development design will not have an adverse impact on its surroundings or existing townscape qualities.

The site is approximately 0.07 ha. The proposed development density equates to 157 per ha (11 units/0.07ha). The proposed density of development reflects the urban grain of the area and is acceptable. The proposed development is compliant with LDP policy Hou 4.

The proposal is for a contemporary, co-ordinated, and bespoke development. The development density will be in-keeping with urban grain of the area and will not result overdevelopment of the site.

One bedroom window on the ground floor will provide an active street frontage.

In terms of accessibility, the proposed development will not be step free. Level access from Eyre Place will be provided to the communal entrance to the flats and to the main door access to the maisonettes. Internal layouts will be designed for accessibility in accordance with the current building regulations. The private stairs within the maisonettes will be provided with adequate space for the installation of a future stair lift. As the building is not more than 4 storeys in height, there is no requirement under the Building Regulations for a passenger lift.

The communal garden is located at lower ground floor level which is below the level of the street at Eyre Place. Seven of the maisonettes will have direct access to the garden from lower ground floor level. Communal access to the garden will be provided via external steps to the northeast end of the site accessed via a secured gated from Eyre Place.

The steps will include tactile paving and movement activated lighting to assist with community safety. However, access to the communal garden will not be inclusive for all users. Due to the constrained nature of the development, which has nine main door maisonettes accessed from street level, and only two flats entered from a communal stair, it would not be reasonably practical to provide a life within the development. It should be noted that existing access to the open space is not accessible/inclusive for all.

A condition is required to ensure that details of the treatment finish is provided. This is to ensure that the proposed development is finished to a high standard of design, using materials appropriate for its context.

The proposal complies with NPF4 policy 14 and LDP policies Des 1, Des 2, Des 3 and Des 4.

Amenity

Neighbouring amenity

The Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

The rear window distance between the proposed development and Canonmills tenements is approximately 12 metres at lower ground floor level and 14 metres to upper floor levels. The window distance is in-keeping with the dense urban grain of the area and will not result in adverse loss of privacy or outlook.

As the proposed development is compatible with nearby housing uses, it will not be a major source of noise.

The updated daylight study was carried out in accordance with the Edinburgh Design Guidance. The study shows that not all the lower-level windows on the rear elevation of Canonmills tenements meet the vertical sky component (VSC). The existing and proposed situation was used to assess the daylight distribution within the affected rooms. The study shows that rooms R1 and R4 within 6 Canonmills tenements do not pass the daylight distribution test, but the average daylight factor (ADF) test shows that the current daylight factor within both these rooms is lower than the recommended value of 1.5%. When comparing the ADF with the proposed ADF this achieves more than 0.8 times the existing value. The impact of the proposed development, therefore, will have a negligible effect on these rooms and this is acceptable.

In terms of the existing open space, landownership is not a planning matter. In addressing concerns relating to loss of garden area, the applicant confirms that a title examination was carried out with their solicitor and in communication with CEC legal team. The applicant states that there are no concerns regarding ownership of any of the application site or how the ownership has been certified and delineated within their application.

As a measure of goodwill, the proposed development allows for the communal garden space for use of all residents, including those in the existing neighbouring tenement who currently make use of the open space. The proposed layout demonstrates that existing access levels to this space will be maintained.

The hour-by-hour shadow plans show that the proposed development will not result in adverse loss of sunlight in terms of the before and after situation.

The proposed development will not adversely impact on neighbouring residential developments in terms of daylight, sunlight, privacy or immediate outlook. The proposed development is compliant with LDP policy Des 5.

Future occupiers

All units will exceed the minimum floorspace standard contained in the Edinburgh Design Guidance.

All units will be dual aspect and the submitted daylight demonstrates that all units will receive adequate levels of daylight in accordance with Edinburgh Design Guidance.

Future occupiers will have reasonable levels of privacy within the development. Unit 3 has one street facing bedroom on the ground floor. Additional privacy can be achieved through the installation of blinds and curtains.

In terms of private green space in housing development, LDP policy Hou 3 states that in flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat. A minimum of 20% of total site area should be useable greenspace.

The proposed communal garden space is approximately 144 sqm and the proposal exceeds the 10 sqm per flat criterion. In terms of useable greenspace, 20% of the total site area equates to 140.8 sqm. The hour-by-hour shadow plans for 21 March show that the proposed north-west communal will receive afternoon sun between 2pm and 4pm. The shadow plans, however, show a reduction in 20% of the total site area being useable in terms of its capacity to receive sunlight. While the 20% useable greenspace is not met, the proposed development exceeds the quantity of communal open space for future occupiers, and this is an acceptable minor infringement.

Unit 1 and unit 5 will have a roof terrace and this will exceed future occupiers' amenity within the development.

The non-statutory Edinburgh Design Guidance states that in schemes with 12 units or more, 20% of the total number of homes should be designed for growing families. As the proposal is for 11 units, the schedule of accommodation includes two-bedrooms (x 10) and three-bedroom (x 1) units is acceptable. The proposal will still provide choice of housing in this location and this is consistent with NPF4 policy 16 c) (ii).

Agent of change principle

Under Section 25 of the Planning (Scotland) Act 2019, the application site is identified as being a 'noise sensitive development' due to its proximity to a music studio on Eyre Place and a car wash facility to the rear of the site. The provisions of the Act detail the Agent of Change (AofC) principle which seeks to protect existing owners and occupiers, including cultural venues or facilities, from any additional burden from new noise sensitive developments. The onus is on the new development to ensure compliance on its own land.

A Noise Impact Assessment (NIA) was provided, and Environmental Protection were consulted. Unit 1 and unit 2 will not meet NR15 with the windows open and the results of the NIA show the affected rooms. Mechanical Ventilation Heat Recovery (MVHR) are proposed to maintain sufficient ventilation to the property with the windows closed and to ensure that music noise do not disturb future occupiers.

A closed double-glazed window will give a minimum of 33 dB attenuation, whereas closed windows have been assumed to provide 10 dB of attenuation, meaning an additional 23 dB of attenuation would be provided. This is sufficient to ensure that NR15 for music noise is met within the affected units.

Environmental Protection do not support the use of closed window ventilation systems. However, the inclusion of MVHR improves energy performance and energy demand within the development will be met via air source heat pumps. Given the urban setting of the site, background ambience noise during the day is to be expected. The remaining nine plots will meet NR15 with windows open and do not require ventilation systems. Therefore, there are exceptional circumstances to allow a 'windows closed approach' for two units out of eleven. In accordance with the Agent of Change (AofC) principle, consideration has been given to impacts on future occupiers and the inclusion of MVHR for two units only is an appropriate mitigation measure.

The applicant advises that the MVHR would be located within cupboards, but this is not shown on the drawings. A condition is required to this effect.

Future occupiers within the development will have acceptable level of living amenity and the proposal complies with LDP Des 5.

Conclusion in relation to demolition, design and amenity

The proposal complies with the NPF4 policy objectives to consider demolition as the least preferred option, and support development proposals that are consistent with the six qualities of successful places. The proposed development complies with LDP design and amenity related policies.

Other Matters

Transport

NPF4 policy 13 e) supports development proposals that are ambitious in terms of low/no car parking, particularly in locations that are well-served by sustainable modes and where they do not create barriers to access by disabled people.

Zero car parking for this development is acceptable due to the accessibility of the site to nearby public transport stops on Eyre Place and Canonmills/Rodney Street and its accessibility to nearby amenities. The potential for on-street parking will not be adverse as the site is within a controlled parking zone (not within a priority area for a parking permit) with yellow lines restrictions nearby on Eyre Place, Eyre Place Lane, and Canon Street.

As the proposed development is for a car free scheme, there is not a requirement to provide accessible parking under the car parking standards contained in the Edinburgh Design Guidance.

The proposed development fronts onto a cycle lane and the scope for on-street accessible car parking near to the development is limited. While a barrier free development is not met through accessible car parking, due regards has been given to Section 149 of the Equalities Act 2010.

Within 15 metres from the site on Rodney Street, there are nearby amenities within Rodney Street local centre with bus stops (No. 8, 13, 23 and 27). Dundas Street local centre is also located 250 metres from the site with bus stops services on Eyre Place (No. 36). This is consistent with local living and 20-minute neighbourhood principles under NPF4 policy 15.

Transport Planning were consulted on the proposals and raised no issues. Communal bin stores will be located internally on ground floor. The frequency of waste collection will not adversely obstruct the existing cycle lane or road.

The proposal development complies with NPF4 13 e) and LDP policies Tra 2, Tra 3 and Tra 4.

Trees

NPF4 policy 6 a) supports development proposals that enhance, expand and improve woodland and tree cover.

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

The proposal will result in the removal of 22 low value trees within the site. This includes 14 category U value (tree removal recommended based on poor condition) and 8 category C value (low quality and value to be considered for retention). The trees nearest to the tenement building would need to come out in the future. While the trees collectively provide greenery for Eyre Place locality, they are individually of low value. It would therefore be unreasonable to refuse planning permission against their loss individually or collectively.

In terms of replacement planting, two small rowan trees (*sorbus vilmorinii*) are proposed. The number of replacement tree planting do not offset the number of trees being removed on the site or facilitate the opportunity for large growing trees. The proposed development as part of a brownfield site requires to be balanced against other policy considerations, including co-ordinated development, amenity, and open space. It would be unreasonable to replace the number of trees to offset its loss to amenity for a constrained brownfield site. The proposal is a minor infringement of LDP policy Env 12 as the removal and number of replacement planting is acceptable in this instance.

A landscape condition is required to secure the replacement tree planting and to ensure that the site is landscaped to a high standard of design.

The proposal complies with NPF4 policy 6 and the minor infringement of LDP policy Env 12 is acceptable.

Flooding

NPF4 policy 22 c) states development proposals will (i) not increase the risk of surface water flooding to others or be at risk; (ii) manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue green infrastructure. All proposals should presume no surface water connection to the combined sewer; and (iii) seek to minimise the area of impermeable surface.

SEPA flood map shows that the site is not within a flood risk area. The application was accompanied by a Surface Water Management Plan (SWMP). The applicant is proposing to discharge surface water to the combined network. Flood Prevention advises that this application can proceed to determination, subject to a condition requiring confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network. A condition has been applied to that effect.

The proposal complies with NPF policy 22 c) and LDP policy Env 21.

Archaeology

NPF4 policy 7 o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible.

The current public house building dates to the last quarter of the 19th century. The application site historically formed part of the medieval milling complex of Canonmills, founded in the 12th century and centred upon the adjacent 16th/17th century mill building at No.1-3 Canon Street. Early 19th century plans (1849 OS map) indicate that this building formed part of Ann's Court which was associated with an 1849 carpet manufacturer.

Although unlisted, the proposals will impact on the locally significant historic building requiring its demolition. Its loss on heritage and archaeology terms, however, is not significant to refuse planning permission. In addition, planning permission in principle was granted for the demolition of the public house building and the permission expires on 29 May 2023, and this is a relevant material consideration in the assessment of the proposals against NPF4 policy 7 o). Due to the local significance of the building and area, a condition is applied to ensure that a detailed historic building survey and a phased programme of archaeological works is undertaken prior to development. This is to fully excavate, analyse and record any archaeological remains that may be affected and that they are protected and preserved in situ where feasible.

Biodiversity

NPF4 policy 3 a) states development proposals will contribute to the enhancement of biodiversity. Criterion 3 c) local development proposals to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development.

The proposal involves the removal of trees and vegetation. The inclusion of green roofs within the proposal is a biodiversity enhancing measure and is proportionate to the nature and scale of development. Particularly in this urban location.

An informative is applied to encourage the installation of swift nests/swift bricks.

The proposed development complies with NPF4 policy 3.

Natural Places

NPF4 policy 4 f) states that where a proposed development is likely to have an adverse effect on species protected by legislation, it will only be supported where the proposal meets the relevant statutory tests.

A Preliminary Ecological Appraisal (PEA) was not required, and the proposed development therefore complies with NPF4 policy 4 f).

Infrastructure

NPF4 Policy 18 supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

Children and Families were consulted. The proposed development is expected to generate two primary school pupils. Stockbridge Primary School has the capacity to meet this impact. Accordingly, a contribution towards additional education infrastructure is not required.

The site is not within a healthcare contribution zone.

The proposed development is not required to contribute to any transport actions.

The proposal complies with NPF4 policy 18 and LDP policy Del 1.

Waste

The applicant is required to liaise with Waste Management Services to discuss their waste strategy. An informative has been added to that effect.

Contaminated land

To address NPF4 policy 9c), a site investigation condition has been applied. This is to ensure that the site is made safe for its proposed use.

Conclusion in relation to other matters

The proposal complies with NPF4 policies in relation to transport, trees, flooding, archaeology, biodiversity and infrastructure. Given the constrained brownfield nature of the site, the number of replacement planting is a minor infringement of LDP policy Env 12. The proposal broadly complies with LDP policies.

Climate Mitigation and Adaption

NPF4 policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Just transition', 'Local living' and 'Compact urban growth' in terms of net zero, 20-minutes neighbourhoods and optimising brownfield land/redundant buildings.

NPF 4 policy 2 requires development proposals to be sited and designed to minimise lifecycle greenhouse emission as far as possible, and to adapt to current and future risks from climate change.

The lifecycle of greenhouse emissions within the proposed development will be minimised through co-ordinated compact growth, supporting local living, encouraging sustainable transportation (walking, cycling and public transport), and redevelopment of a brownfield site. Energy demand will be met via air source heat pumps. The transition to net zero will be met through zero car parking and all units will have access to internal cycle storage. Embodied carbon by conserving and recycling assets will be addressed through salvaged stone from existing wall on Eyre Place boundary.

The incorporation of green roofs will slow surface run offs and mitigate against the removal of existing trees in terms of absorbing rainwater runoff.

The proposed development complies with NPF4 policies 1 and 2.

b) 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. Impacts have been identified and addressed in the assessment section of the report.

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

Public representations

A summary of the representations is provided below:

material considerations

- Loss of public house- Addressed in Section B
- Loss of shared garden/destruction of green space - Addressed in Section B
- The site is not 'vacant and derelict land' as described. It is an actively used publicly owned green space - Addressed in Section B
- Development design not in-keeping with historic character of the area - Addressed in Section B
- Density/overdevelopment- Addressed in Section B
- Increase traffic/parking- Addressed in Section B
- Amenity (daylight, sunlight, privacy, noise and pollution)- Addressed in Section B
- Daylight/sunlight study disputed- Addressed in Section B
- Proposed communal garden arrangement/boundary treatment is not adequate to provide a buffer between the proposed development and existing tenements - Addressed in Section B
- Dropping the pavement on Eyre place for communal bins will mean the bike lane and road is obstructed - Addressed in Section B
- Insufficient healthcare provision - Addressed in Section B

non-material considerations

- Further densification of area from sites earmarked for development - This does not preclude assessment of the application as submitted.
- Would impact on emergency access to The Yard on Eyre Place Lane - It is not proposed to alter existing vehicle access to or from a public road.
- Landownership - This is a civil matter.

- Impact of construction on mental health and wellbeing - This does not preclude assessment of the proposal or prevent the delivery of developments.
- Personal reasons for purchasing property - Planning does not protect the private interests of individuals.
- Construction disruption - Not a planning matter.
- Development should be re-directed elsewhere - This does not preclude assessment of the proposal.
- Developer profits - Not a planning matter.
- Worrying that the council is selling public green space to balance the books - The sale of land is a civil matter.
- Unacceptable for any of the existing garden area to be temporarily inaccessible or unusable during building works, without the express consent of all owners of properties at numbers 1-6 Canonmills - landownership is a civil matter.
- Local parks are rapidly deteriorating due to the effects of overdevelopment - Not within the scope of the assessment to resolve.

Conclusion in relation to identified material considerations

The material considerations have been identified and addressed. There are no new material considerations to resolve.

Overall conclusion

The proposed development complies with NPF4 policies in relation to sustainable, liveable and productive places. The proposed development does not comply with LDP policy Env 18 e) as the loss of open space is not for a community benefit. The planning history and the characteristic of the site is a relevant material consideration in balancing its loss against LDP policy Des 2 (Co-ordinated development). The proposal makes provision for 144 sqm of communal garden space for use all residents, including those in existing neighbouring tenements. While the new communal garden represents a 64% reduction of existing open space, there would be a local benefit in delivering shared spaces between existing and new development. It would therefore be unreasonable to refuse planning permission. An exception to LDP policy Env 18 e) is therefore justified. The proposed development design is acceptable, future occupiers will have acceptable level of living amenity within the development and neighbouring amenity will not be adversely affected. Conditions have been applied to address further matters in more details. There are no material considerations that would outweigh this conclusion. It is recommended that the application be approved.

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. 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, having first been agreed by the City Archaeologist.
4. i) Prior to the commencement of construction works on site:
 - a. A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b. Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
5. Prior to commencement of development, the applicant is required to provide written confirmation that Scottish Water accept the proposed surface water discharge rate to the combined network
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
7. Notwithstanding the approved drawings, drawing details of the proposed Mechanical Ventilation Heat Recovery (MVHR) as recommended in acoustic report (Xi Engineering Consultants, Music Noise Impact Assessment - Supplementary Report 49 - 51 Eyre Place, Edinburgh, EH3 5EY. Report presented to: Eyre Place Properties Limited. Dated 14/06/2023. Document number: v6) shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

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. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that the site is suitable for redevelopment.
5. To ensure that the proposed development is compliant with NPF4 policy 22 and LDP policy Env 21.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To ensure that noise mitigation measures are delivered.

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 incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
4. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport
5. The applicant should be advised that, as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf
6. [_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build)

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 3 April 2023

Drawing Numbers/Scheme

01-02, 03A- 04A, 05, 06A-11A, 12 - 21

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail:laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: Do not support closed windows ventilation systems.

DATE: 27 June 2023

NAME: Flood Prevention

COMMENT: Proceed to determination.

DATE: 18 July 2023

NAME: Archaeology

COMMENT: No objections subject to conditions.

DATE: 6 April 2023

NAME: Waste Management Services

COMMENT: Informative required.

DATE: 18 July 2023

NAME: Children and Families

COMMENT: No contributions required.

DATE: 18 July 2023

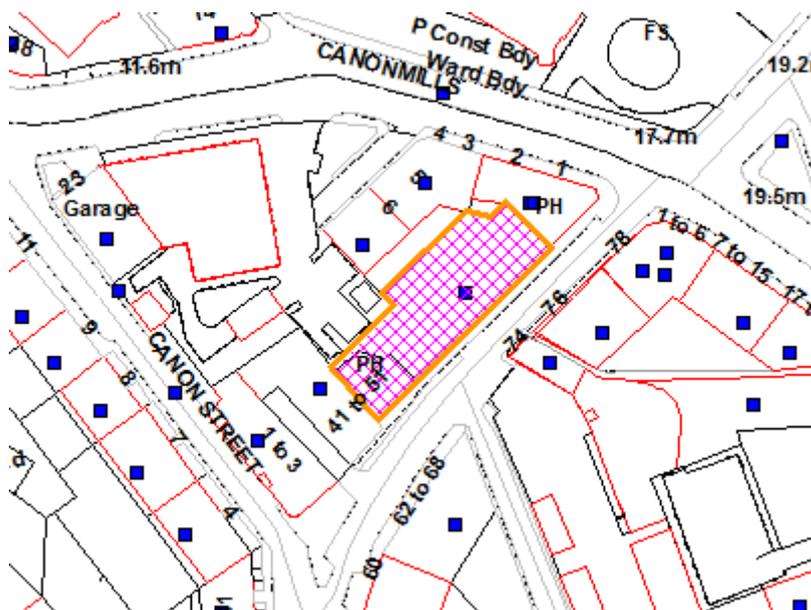
NAME: Transport Planning

COMMENT: No objections, subject to conditions/informatives.

DATE: 23 May 2023

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

Location Plan



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