

Development Management Sub-Committee Report

Wednesday 6 December 2023

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

Proposal: Erect 7x townhouses with associated amenity space, access, cycle parking, car parking and landscaping.

**Item – Committee Decision
Application Number – 23/04046/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is subject to 75 material representations objecting to the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for approval. Due to the community interest in the application a hearing has been proposed by the Chief Planning Officer.

Recommendation

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

Summary

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. The development is also in keeping with the overall aims of the Edinburgh Local Development Plan 2016 (LDP). A deviation from the LDP in terms of the total site area as open space is justified given the constraints of the site. There are no material considerations that alter this recommendation.

SECTION A – Application Background

Site Description

The proposal relates to a vacant plot located on the east side of Eyre Place Lane to the south of Eyre Place. The site covers an area of 0.1 hectares and was formerly in use as a builders' merchant/yard (Class 6). The former builders' yard has been sub divided into two and this application relates to the southern section. All buildings and structures relating to this former use have now been demolished which mainly consisted of single storey warehouse buildings and stock display areas. A children's activity centre, forming part of King George V Park and known as The Yard, is located to the south of the site.

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

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

Description of the Proposal

The application proposes the erection of seven residential dwellings. These will be a single terrace of three storey, four bedroom townhouses. Six car parking spaces will be included to the rear of the houses, each with EV charging capabilities.

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

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

Supporting Information

- Design & Access Statement ('D&AS')
- Heritage Statement
- Archaeological Desk Based Assessment
- S1 Sustainability Form
- Air Quality Impact Assessment
- Noise Impact Assessment
- Bat Roost Potential Survey
- Surface Water Management Plan (inc. Flood Risk Assessment)
- Transport Statement
- Phase 1 Site Investigation

Relevant Site History

22/03833/FUL
72 - 74 Eyre Place
Edinburgh
EH3 5EL
Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping.
Appeal Dismissed
15 February 2023

Other Relevant Site History

Appeals against non determination of a previous planning application for residential development on this site were dismissed by a reporter on 14 June 2023 (PPA-230-2409). The Reporter concluded that although the principle of residential development on the site was acceptable, the application was refused on the following specific grounds which tip the balance out of favour of the development:

- The impact of the development within the immediate environs of the site where I find the fourth quality of a successful place ‘distinctive’ (as described in Appendix D of NPF4) would lead to conflict with development plan policy.
- No attempt was made to step the development to reflect the gradient or the stepped form of the existing mews housing opposite.
- Insufficient information was provided to demonstrate that daylight to the windows of the existing or proposed development on the lane can be achieved in line with the technical standards advocated by the Edinburgh Design Guide.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Archaeology

Environmental Health

Waste Services

Historic Environment Scotland

Children and Families

Flooding

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

Number of Contributors: 144

Section B - Assessment

Determining Issues

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

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 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 character or appearance of the conservation area?

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

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

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

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

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

Conclusion in relation to the conservation area

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

b) 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 Climate and nature crises policies 1, 2, 3 and 9;
NPF4 Historic assets and places policies 7, 9, 12, 13, 20 and 22;
NPF4 Successful places policies 14, 15, 16 and 18;
LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7 and Des 8;
LDP Environment policies Env 21;
LDP Housing policies Hou 1, Hou 2, Hou 3 and Hou 4;
LDP transport policies Tra 2, Tra 3 and Tra 4;
LDP Delivery policy Del 1;
LDP Employment policy Emp 9.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design and transport policies.

Principle

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

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

The proposals are consistent with NPF4 policy 15 (Local living and 20 minute neighbourhoods) and future occupiers will be able to meet the majority of daily needs within a reasonable distance from the site through the use of walking, public transport and cycling.

NPF4 policy 16 supports "smaller scale" developments within existing settlement boundaries which the proposals will accord with. Build out time scales will relate to trigger points for relevant developer contributions required.

NPF4 policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported.

The principle of the development of the site for residential is accepted.

Loss of employment Uses.

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

The surrounding area is mainly residential in character, a children's activity centre is located at the end of Eyre Place Lane with small business uses found on Eyre Place. The proposed residential use in this location would not inhibit these nearby uses. The proposal complies with Emp 9 and NPF4 policy 15.

Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded that this would be preserved. The proposal complies with the objectives of NPF4 Policy 7 in this regard.

Climate Mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) 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 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

NPF4 Policy 2 a) (climate mitigation and adaption) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

NPF4 Policy 9 encourages the use of previously developed land over greenfield development. In particular, criterion a) states development proposals that will result in the sustainable reuse of brownfield land will be supported.

Measures are proposed to ensure building fabric performance and overall energy consumption will meet relevant building standards. The energy strategy removes all requirements for fossil fuels and includes air source heat pumps and solar photovoltaic array for water and space heating. Sustainable transport is prioritised by the low car parking levels proposed in the new development, each with EV charging, private cycle storage and accessibility to the wider city for active residents.

Ecology

NPF 4 policy 3 (Biodiversity) states that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity. The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site. The inclusion of planting to be conditioned as part of a landscape plan will increase the biodiversity value of the site.

A condition has also been included to require the inclusion of swift bricks/boxes within the fabric of the houses to provide new habitat.

Height, scale and massing

NPF4 Policy 14 (Design, quality, and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. The proposals will provide an attractive built environment, located in an area which has high connectivity to reduce car dependency. The townhouse design is a modern interpretation of the three storey mews design found in the street and expand the range of house types found in the local area. The scale and built form of the proposals will contribute to the sense of place. Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity.

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

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

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

LDP Policy Hou 4 Housing Density seeks an appropriate density of development on each site having regard to a number of factors. The approximate density of the proposed development is 57 dwellings per hectare, which is relatively low in relation to the wider area. However, this is a secondary lane in terms of the street hierarchy, and low rise development is an appropriate design response where mews style properties are commonly found in lanes to the rear of tenement scale buildings.

Design and Materials

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

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

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

Landscaping

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

To the rear, the ability to provide landscaped areas is restricted by the presence of a Scottish Water sewer asset in the south east corner of the site. As a result, an area of hard standing is required to allow for vehicles to access this area for maintenance purposes. Consequently, landscaping to each house is provided through a series of terraces and decks with outdoor space or balconies provided at each of the three storeys on the east elevation. The collective area for these ranges from approx. minimum 18sqm and max. 26sqm due to the design of the ground floor terrace. This equates to 11% - 16% respectively of the individual GFA and represents an overall area of 151 sqm which is equivalent to 14% of the application site area. A condition can be added to ensure that the planting and materials are of an appropriate standard to these landscaped areas. Given the constraints of the site a deviation from LDP policy Hou 3 is justified.

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

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

Co-ordinated development

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

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

Amenity for Neighbours and Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. NPF 14 policy 14 (Design, Quality and Place) advises that proposals which are detrimental to the amenity of the surrounding area will not be supported.

Regarding privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The proposed layout of the development will result in a distance between the proposed dwellings and existing houses on Eyre Place Lane of between 9.5 and 12.5 metres. The affected windows in terms of privacy would be at first and second floor level. These include Juliette balconies from the proposed development and living areas/bedrooms to the existing townhouses on the west side of the lane. This is a relatively small distance but is typical of mews lane developments in the New Town. The proposals on balance comply with LDP Policy Des 5.

In terms of daylight to neighbours and future occupiers, various sections have been provided to show that the 27% Vertical Sky Component is achieved as the building's height does not rise above the 25-degree line in accordance with the Edinburgh Design Guidance. The existing flats located on Rodney Place are located at an elevated level to the application site and there will be no adverse impacts in terms of daylight and sunlight.

Transport

NPF4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities. LDP policy Tra 3 (Private Cycle Parking) and Tra 4 (Design of Off-Street Car and Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance with appropriate design and layout.

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

The proposals include the formation of a new two metre wide footway to the front of the proposed townhouses. This will increase pedestrian accessibility to the site itself and beyond to 'The Yard' at the end of the street. A stopping up order may be required to facilitate the proposed footway and road layout on site which complies with LDP policy Des 7 (Layout Design).

Flooding and Water Management

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

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and waste water capacity. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

NPF4 policy 20 states that, where appropriate, new blue and/or green infrastructure will be supported as an integral element of the design. The proposed development consists of blue/green roofs on the proposed flat roofs along with blue terraces, covering an area of approximately 375 sqm of the total roof area. On-site surface water attenuation in the form of blue roof and a combination of green/blue roofs and raingarden areas provide appropriate surface water treatment for the proposed development.

Archaeology

NPF4 policy 7(o) aims to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to/during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design. NPF 4 policy 12 (Zero Waste) states that proposals should set out how much waste is expected to be generated and how it will be managed.

There is a single access route to the proposed houses along Eyre Place Lane. This route is of insufficient standard to meet Council's Waste Services guidance in allowing space and turning areas for refuse vehicles. The existing townhouses on Eyre Place Lane are serviced by being presented on Logan Street to the west. As a result, following dialogue with Waste Services, a strategy has been agreed which would require future occupiers of the proposed townhouses to present the relevant bins on Eyre Place.

It is anticipated that this would be in the servicing area of a proposed student housing development which is currently pending. Out with this time, bins will be stored in an external covered store either under or adjacent to each resident's private external terrace area to the rear.

Given that this strategy has been agreed by Waste Services, the proposals comply with Des 5 and NPF 4 policy 12.

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and no contribution is required.

Education

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) and NPF 4 policy 18 (Infrastructure First) advise that proposals will be required to contribute to infrastructure provision including education provision as identified in the plan. Education contributions will be applied in accordance the finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018), supported by the Action Programme updates, including the update in December 2021. The finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance (2018) requires an assessment of the cumulative impact of all new development on education infrastructure having regard to school roll projections and an assumption about potential developments within the area at the time of the assessment. The Education Actions in the Action Programme Update (December 2021) were based on data from the 2020 Housing Land Audit and 2020 School Roll Projections. The costs to deliver the education actions were increased to reflect increases in construction costs based on the Council's experience awarding contracts to extend and build new schools and to reflect the Council's commitment to deliver low energy, high quality, Passivhaus buildings.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of an extension to Broughton High School at a rate of £12,942 per house, index linked from Q1 2021.

Air Quality

An Air Quality Impact Assessment has also been submitted and assessed which concludes that the development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase. On this basis future occupiers of the development will not be unduly exposed to harmful levels of air quality. The proposed development is in accordance with NPF4 Policy 23 in terms of protecting people and places from environmental harm.

Contaminated Land

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

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

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

Public representations

The application received 75 material objections and 9 material support comments. A summary of the representations is provided below, each of these are addressed in sections A and B above.

material considerations - objections

- Insufficient access to bus services;
 - Insufficient access to healthcare services
 - Loss of daylight to neighbours;
 - Loss of privacy;
 - Refuse collection not suitable on Eyre Place Lane;
 - Potential to be used as HMO's (a change of use would be required)
 - Inappropriate design and materials;
 - Insufficient provision of outdoor space;
 - Insufficient parking proposed;
 - Increased vehicle trips;
 - Potential to increase flooding;
 - Adverse impact on historic character of the area;
 - Excessive density;
 - Existing pavements insufficient width;
 - Inability to turn vehicles in Eyre Place Lane;
 - Response to site levels required;
 - Sunlight study does not take into account bedrooms to the rear of the existing townhouses on Eyre Place Lane (beyond scope);
 - Inaccuracies in Surface Water Management Plan.

non - material considerations - objections

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

material considerations - Support

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

non - material considerations - Support

- Will be built in accordance with building standards
- Will meet an identified housing need.

Overall conclusion

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Overall, the development is in accordance with the development plan. The proposals will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is consistent with the six qualities of successful places as set out in NPF4. The development is also in keeping with the overall aims of the Edinburgh Local Development Plan 2016 (LDP). A deviation from the LDP in terms of the total site area as open space is justified given the constraints of the site. There are no material considerations that alter this recommendation.

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. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and type(s) of contamination on the site
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works
 - iv. condition of the site on completion of decontamination measures.Before any residential] unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
3. The noise mitigation measures as specified within ITP Energised noise impact assessment no. 6665 and dated 29/08/23 shall be installed prior to occupation of the development.
4. The electric vehicle charging points as shown on the approved plans should be installed and operational prior to occupation of development.
5. Prior to the commencement of development, a programme of archaeological work (Geoarchaeological sampling and analysis, excavation, analysis & reporting, publication, public engagement) in accordance with the written scheme of investigation should be submitted by the applicant and approved 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 soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

8. Prior to the commencement of development, details shall be submitted to show the location of swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.
4. In the interests of local air quality.
5. In order to safeguard the interests of archaeological heritage.
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 that a high standard of landscaping is achieved, appropriate to the location of the site.
8. In order to safeguard the interests of nature conservation.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to education as set out below:

The proposed development is required to contribute £90,594 towards the delivery of actions relating to Broughton High School. The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 September 2023

Drawing Numbers/Scheme

**David Givan
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Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections - note presence of existing asset on the site.

DATE: 15 September 2023

NAME: Archaeology

COMMENT: No objections subject to conditions.

DATE: 14 September 2023

NAME: Environmental Health

COMMENT: No objection subject to conditions.

DATE: 4 October 2023

NAME: Waste Services

COMMENT: No objections.

DATE: 22 September 2023

NAME: Historic Environment Scotland

COMMENT: No objections.

DATE: 6 October 2023

NAME: Children and Families

COMMENT: No response.

DATE:

NAME: Flooding

COMMENT: No objections subject to conditions.

DATE: 11 October 2023

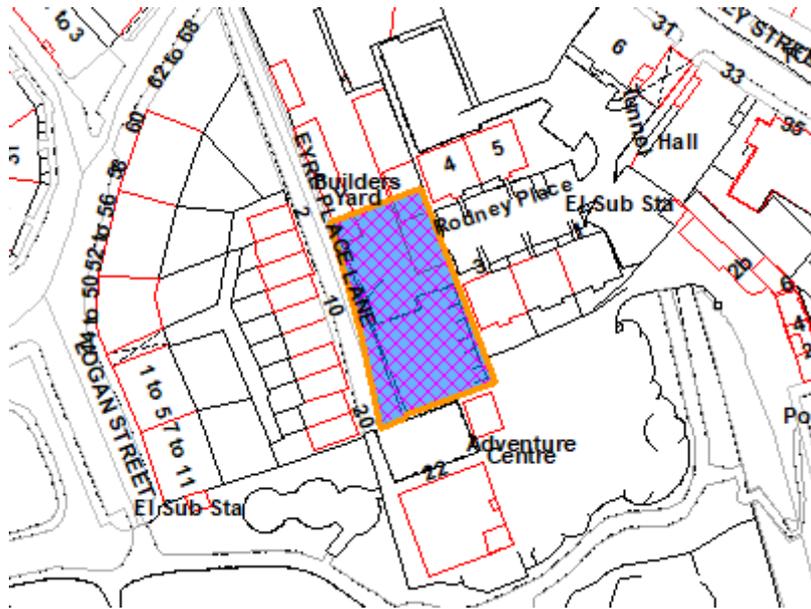
NAME: Transport Planning

COMMENT: No response.

DATE: 23 November 2023

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

Location Plan



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