

Development Management Sub Committee

Wednesday 25 September 2019

**Application for Planning Permission 19/03063/FUL
At Land 267 Metres Northeast Of 399, Old Dalkeith Road,
Edinburgh
Section 42 application for the amendment of conditions 1 &
3, and the deletion of conditions 7, 9 & 12 of planning
permission in principle 13/05048/FUL - Centre for bio-
medical research including educational, health and support
facilities.**

Item number

Report number

Wards

B17 - Portobello/Craigmillar

Summary

The principle of the proposed development accords with the Edinburgh Local Development Plan.

The proposed extension of time is acceptable as it will allow future development at the BioQuarter to come forward in accordance with the LDP and within the context of the approved masterplan. The changes to the condition relating to the masterplan also accords with the LDP and is acceptable. The deletion of the previously discharged conditions is acceptable to reflect progress to date on implementing the previous permission.

It is recommended that planning permission is granted subject to the attachment of all other existing conditions and a new legal agreement relating to transport infrastructure, landscaping and associated works.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LEMP02, OTH, NSGD02,

Report

Application for Planning Permission 19/03063/FUL At Land 267 Metres Northeast Of 399, Old Dalkeith Road, Edinburgh Section 42 application for the amendment of conditions 1 & 3, and the deletion of conditions 7, 9 & 12 of planning permission in principle 13/05048/FUL - Centre for bio- medical research including educational, health and support facilities.

Recommendations

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

Background

2.1 Site description

The site is located on land to the immediate east of the Edinburgh Royal Infirmary and forms phases 2 and 3 of the BioQuarter Expansion Area.

Within the site boundary are existing buildings and associated parking. The Scottish Centre for Regenerative Medicine (SCRM) is located on the northern corner plot and Building Nine (a serviced laboratory building) is located on the eastern side. The Institute of Regeneration and Repair (IRR) is under construction and there are a number of temporary laboratory units in the centre of the site.

Old Dalkeith Road (A7) forms the southwest boundary of the site and the site is adjacent to a detached modern bungalow and a terrace of 10 cottages. The boundary along Old Dalkeith Road is defined by a 1.8 metre high stone wall and mature landscaping. The northern boundary is formed by the entrance road and distributor road of the new Edinburgh Royal Infirmary; these run alongside the diverted channel of Niddrie Burn. There are no distinct landmarks to define the southern and eastern site boundaries which continue as open farmland associated with the Edmonstone Estate and new parkland.

The overall setting is defined by the valley of the Niddrie Burn and the line of the Edmonstone Ridge to the south and by the Liberton-Craigmillar ridge to the north. The Edmonstone ridge is characterised by parkland and is enclosed by belts of mature woodland in a historic designed landscape.

To the west of Old Dalkeith Road and the east beyond the parkland lie two and three storey suburban houses and tower blocks of post-war and modern date.

2.2 Site History

15 April 2015 - Planning permission was granted for a section 42 application to vary conditions 1 and 3 attached to outline planning permission 02/04372/OUT (Centre for Bio-Medical Research including educational, health and support facilities) (application number: 13/05048/FUL).

23 September 2008 - A reserved matters application was approved for a temporary car park and associated lighting and engineering works on plot 2 to serve plot 5 (application number: 08/02420/FUL).

13 August 2008 - reserved matters application was approved for the development of centre for regenerative medicine, comprising facilities for biomedical research and support services with associated car parking and access (application number: 08/00344/REM).

31 March 2005 - Submission of Reserved Matters in respect of First Phase infrastructure works (roads, drainage and landscaping) further to the outline planning permission granted on 23 December 2004 for the development of a centre for bio-medical research (application number: 02/04372/OUT) (as amended)(application number: 05/00022/REM).

31 March 2005 - Planning permission was granted for the erection of an electricity sub-station on the Old Dalkeith Road frontage of the site (application number: 04/04187/FUL).

16 February 2005 - Planning permission was granted for depositional earthworks on land to the east of the biomedical research centre site and for screen woodland planting along the southern and eastern boundaries of the site (application number: 04/03443/FUL).

23 December 2004 - Outline planning permission was granted for the development of a biomedical research centre on a 27 ha site. This followed the signing of a planning agreement regarding developer contributions towards transport, landscape and river restoration projects. The Committee also approved in principle a Master Plan for the development on 8 December 2004 (application number: 02/04372/OUT).

Main report

3.1 Description Of The Proposal

This section 42 application seeks to vary several aspects of the original outline planning permission (application number: 02/04372/OUT).

This application seeks to extend the time limit imposed under condition 1 of the original application in order to allow for additional time for the submission of further applications. The applicant is proposing that the timescale for submitting further applications for matters specified in conditions is changed to be 10 years from the date of this permission, and that the development should commence not later than 15 years from the date of this permission (which is effectively a new Planning Permission in Principle), or two years from the final approval of matters specified in condition, whichever is the later.

The application also seeks to remove the reference to compliance with the Keppie Masterplan under condition 3.

The application is also seeking the removal of conditions 7, 9 and 12. Condition 7 relates to the implementation of a programme of archaeological works to be carried out.

Condition 9 requires the submission of a landscape and habitat management plan.

Condition 12 requires the safeguarding of a tram route running parallel to Old Dalkeith Road, located between the existing cottages and the prospective landscaping belt for new development.

Supporting Statement

A Planning Statement was submitted in support of the application. It is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) The proposals comply in principle with the Development Plan;
- b) The proposed extension to the time period is acceptable;
- c) Conditions have been sufficiently discharged, and
- d) Whether there are any other relevant issues.

(a) The Principle of the Development

The granting of the previous outline planning permission establishes the principle of developing this site for life science businesses and ancillary uses. This is in accordance with the Edinburgh Local Development Plan (LDP) which allocates the site for the development of the Edinburgh BioQuarter.

LDP policy Emp 2 requires that development at Edinburgh BioQuarter accords with the development principles set out in part 1 section 5 of the LDP. The conditions attached to the existing application have been assessed to determine whether these are in accordance with the LDP. A number of conditions attached to the existing permission ensure proposals accord with the LDP principles, for example condition 2 (phasing and reserved matters), condition 3 (compliance with approved Key Diagram) and Condition 4 (relating to the mix of uses). Provided these or similar conditions are attached to a new permission, the proposals comply in principle with the development plan.

(b) The Time Period

Under the extant planning permission in principle, the timescale for the submission of all applications for matters specified in conditions expires on the 22 December 2019.

The applicant is proposing that the timescale for submitting further applications for matters specified in conditions is changed to be 10 years from the date of this permission, and that the development should commence not later than 15 years from the date of this permission (which is effectively a new Planning Permission in Principle), or two years from the final approval of matters specified in condition, whichever is the later.

This is an acceptable timeframe given the complexities and size of the site and that the existing permission is in accordance with the LDP. The developments within the BioQuarter have been progressing at a steady rate, but not at the pace originally anticipated. Nevertheless, there have been developments within the BioQuarter, including the SCRM building, the adjacent life science building (Building Nine), the Institute for Regeneration and Repair (IRR) and several temporary modular units, also in biomedical use. The University of Edinburgh has also committed to extending the IRR building. The additional timescale will provide assurances to the commitment of further developments within the BioQuarter and allow development to proceed in accordance with the development plan.

(c) The Discharging of the Conditions

The current condition 3 requires that all subsequent applications be made in accordance with the terms of the approved Keppie Masterplan (8 December 2004) or the key diagram as approved as part of the previous planning permission in May 2014 (application reference 13/05048/FUL). The proposal is to remove the reference to the Keppie Masterplan, and retain the approved key diagram.

This proposal is acceptable. This is on the basis that the development of the BioQuarter has taken longer than anticipated, and that the BioQuarter Partners are exploring new funding mechanisms in order to deliver a range of supporting uses across the site using good placemaking principles. The Keppie Masterplan no longer provides a suitable context for the development of the BioQuarter and as it is now 15 years old, it has been superseded by other works around the BioQuarter. The approved key diagram sets the framework for the development of the site without being overly restrictive, and establishes better place making principles in terms of minimising the amount of surface car parking and identifying key routes and frontages. The amendment to the condition will allow development to proceed in accordance with the adopted LDP, where Emp 2 (Edinburgh BioQuarter) supports the overall development of biomedical development with ancilliary uses. It will also support better place making in accordance with the LDP BioQuarter principles. Therefore, this change to the condition is acceptable.

Condition 7 relates to archaeology and the submission of a programme of archaeological works in accordance with a written scheme of investigation. This condition was originally referred to as condition 9 in the outline planning permission 02/04372/OUT. The condition was discharged on 6 May 2005 and the City Archaeologist has confirmed that there are no issues with the removal of this condition.

Similarly, condition 9 required the submission of a landscape and habitat management plan. This condition was originally condition 12 of the outline planning permission and this condition was discharged following the submission of an Ecological Management, Landscape and Habitat Plan by Ian White Associates in November 2005.

Condition 12 relates to the safeguarding of land for the tram route, running parallel to Old Dalkeith Road between the existing cottages and the prospective landscaping belt. The adopted LDP reserves Old Dalkeith Road as the tram reservation (LDP Policy Tra 7) and not the land as referred to in the condition. The Roads Authority have confirmed that this is acceptable.

(d) Other Relevant Issues

Developer Contributions

LDP Policy Del 1 states that proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate negative additional impact.

The Finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance was updated in August 2018 and includes revised contribution zones. The BioQuarter site falls within contribution zones for:

- Sheriffhall junction improvement;
- Liberton/Gracemount Education;
- Little France Park Greenspace.

Greenspace and Education contributions are currently only applicable to residential development. However, contributions may be required if further applications are submitted.

No costs have been identified in the Edinburgh Local Development Plan Action Programme (January 2019) for the Sheriffhall Junction Contribution Zone. There is therefore no basis on which to require contributions at this time.

There was a legal agreement attached to the previous planning permission (13/05048/FUL), where the Heads of Terms included public transport improvements, landscape design and associated works. The site specific transport, landscaping and other works are still relevant to mitigate the impact of development and will require to be secured through a new legal agreement as part of this permission.

Representations

Following neighbour notification, one letter of general comment was submitted. This letter sought clarification regarding the boundary line and land ownership. This is a legal matter and not relevant to this application.

Conclusion

The principle of the proposed development accords with the Edinburgh Local Development Plan.

The proposed extension of time is acceptable as it will allow future development at the BioQuarter to come forward in accordance with the LDP and within the context of the approved masterplan. The changes to the condition relating to the masterplan also accords with the LDP and is acceptable. The deletion of the previously discharged conditions is acceptable to reflect progress to date on implementing the previous permission.

It is recommended that planning permission is granted subject to the attachment of all other existing conditions and a new legal agreement relating to transport infrastructure, landscaping and associated works.

There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

CONDITIONS

1. a) Application for the approval of matters specified in conditions shall be made within 10 years of the date of this permission, unless an earlier application for such approval has been dismissed, in which case, application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 15 years from the date of grant of planning permission in principle, or 2 years from the final approval of matters specified in conditions, whichever is later.
2. Before any work on each phase of the site is commenced, details of the undernoted reserved matters being submitted to, and approved by the planning authority, in the form of a detailed layout of that phase of the site (including landscaping, car parking, plant and machinery) and detailed plans, sections and elevations of the buildings and all other structures.

Reserved Matters:

- a) Siting, design, levels and height of the development, including design of all external features and glazing specifications, design and configuration of public areas and open spaces, all external materials and finishes, including their colour;
- b) Vehicular access, road layouts and alignment, servicing areas and street lighting;
- c) The distribution, phasing and management of car parking provision;
- d) Footpaths, cycle routes and cycle parking;
- e) Hard and soft landscaping details, which shall include:
 - i) existing and finished ground levels in relation to Ordnance Datum;
 - ii) existing and proposed services, including surface water drainage;
 - iii) the layout and design, including walls, fences, gates and street furniture;
 - iv) the location of new trees, shrubs, hedges, grass and habitat enhancement areas;
 - v) a schedule of plants to comprise species, plant size and proposed number/density;
 - vi) a programme of completion and subsequent maintenance;

- f) Soundproofing, ventilation or ducting measures, with reference to technical data on plant and machinery to be installed;
 - g) Relationship to the approved Master Plan and adjoining phases of the overall development.
3. All applications for approval of the matters specified in Condition 2 shall be in compliance with the terms of the approved Key Diagram EBQ (SK) 115 P1 of the CEC BioQuarter Masterplan approved by Planning Committee on 15th May 2014, attached to planning permission 13/05048/FUL.
 4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) (Scotland) Order 1997, development will be limited to the following uses:
 - a) development by the University of Edinburgh and NHS Scotland, for teaching and research in medicine, biomedicine, pharmacology, veterinary sciences, and all related life sciences;
 - b) an extension of the new Royal Infirmary of Edinburgh for clinical and health care purposes;
 - c) research and development uses which can demonstrate close working links with neighbouring academic or clinical activities;
 - d) support services which are ancillary to and necessary for the successful operation of the above.
 5. No development shall take place until full details of drainage works associated with each further application for matters specified in conditions, designed in accordance with the SUDS principles established in the approved 2014 CEC Masterplan and Supplementary Guidance, have been submitted to and approved by the Council in consultation with SEPA and Scottish Water. Foul and surface water drainage systems for the BioQuarter site will be designed in line with current guidance and best practice: this includes Sewers for Scotland, relevant British Standards and CIRIA guidance, all as updated and current at the date of applying for individual applications. The drainage plan should be accompanied by a surface water management plan and shall ensure that there is no net increase in surface water run-off from the site (in accordance with national planning standards current at date of applications) as a result of the development.
 6. No development shall take place on that part of the site which lies within an area of importance for flood control designated in the Council's Planning and Flooding Guidelines unless supported by a Flood Risk Assessment (based on a 1:200 year return period flood standard) which shall demonstrate, to the satisfaction of the Chief Planning Officer:
 - a) The development will not reduce the area available for the storage of flood water. Any proposal for ground raising, or obstruction by buildings, within this area must include the provision of an equivalent compensatory storage volume.
 - b) Proposed buildings will not prejudice options for the restoration and realignment of the open watercourses, or the removal of culverts, outwith the site.

- c) Proposed buildings and their levels have been designed in accordance with the Guidelines, and which take into account the vulnerability of the site to flooding.
7. The use and/or operations shall be such as can be carried out in a residential area, without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.
 8. The approved landscaping scheme for each phase of the development shall be fully implemented within six months of the completion of the related development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
 9. No trees on the application site shall be lopped, topped or felled without the approval of the Planning Authority.
 10. Land shall be safeguarded for a bus/public transport route, linking Old Dalkeith Road to the eastern site boundary and parallel to the site boundary with the Royal Infirmary. This land shall be identified on drawings to be submitted to and approved in writing by the Planning Authority, prior to the commencement of development on site and shall be made available at no cost to the Council.
 11. Parking provision shall be limited to one space per 55 square metres gross floor area, or 1 space per 2 employees (daytime, full time equivalents), which ever gives the least number of spaces.
 12. In the event that the implementation of a Travel Plan or any agreed modification thereof fails to reduce trunk road impact from the development to less than a 5% threshold limit within 3 years of the first occupation of the development or at any agreed time thereafter, the applicant shall make an appropriate agreed contribution to trunk road improvement works or make investments in public transport provision necessary to achieve this limit.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to enable the Planning Authority to consider this/these matter/s in detail.
3. In order to comply with the requirements of the adopted Edinburgh Local Development Plan in order to ensure that the development of this site is carried out in a coherent and satisfactory manner.
4. To comply with the requirements of the Edinburgh Local Development Plan, in order to ensure that the development of the site will make optimum use of its functional and locational relationship with the Royal Infirmary of Edinburgh for the economic benefit of the city and wider area.

5. In order to minimise the environmental impact of the development and to promote sustainable drainage practice.
6. To ensure that the development is appropriate within an identified Area of Importance for Flood Control.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to ensure that the approved landscaping works are properly established on site.
9. In order to safeguard trees within the site.
10. To ensure that the development does not exceed transport capacity constraints and in the interests of promoting the use of public transport and sustainable development.
11. In order to ensure that the level of off-street parking is adequate.
12. To ensure that there is no detrimental impact on the operation of the trunk road network.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

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 each phase 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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Following neighbour notification, one letter of general comment was received.

This is assessed in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is allocated in the adopted Edinburgh Local Development Plan as a business area specifically for the development of the BioQuarter. The site also contains an area of importance for flood management.

Date registered

4 July 2019

Drawing numbers/Scheme

01,

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lesley Carus, Senior Planning Officer
E-mail:lesley.carus@edinburgh.gov.uk Tel: 0131 529 3770

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

"LDP Policy Emp 2 (Edinburgh BioQuarter) Development within the boundary of Edinburgh Bioquarter as defined on the Proposals Map will be granted provided it accords with the Bioquarter Development Principles to be further detailed through Supplementary Guidance."

Other Relevant policy guidance

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 19/03063/FUL At Land 267 Metres Northeast Of 399, Old Dalkeith Road, Edinburgh Section 42 application for the amendment of conditions 1 & 3, and the deletion of conditions 7, 9 & 12 of planning permission in principle 13/05048/FUL - Centre for bio- medical research including educational, health and support facilities.

Consultations

Archaeology - 8 July 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this Section 42 application for the amendment of conditions 1 & 3, and the deletion of conditions 7, 9 & 12 of planning permission in principle 13/05048/FUL - Centre for bio-medical research including educational, health and support facilities

Condition 7 requires the undertaking of a programme of archaeological works. This work was carried out principally in 2005 by CFA Archaeology with the results of fully reported upon and signed off. Accordingly, I'm happy to advise that this condition No 7 has been fully meet with and can be discharged / deleted.

Roads Authority - 10 September 2019

No objections to the application.

Note:

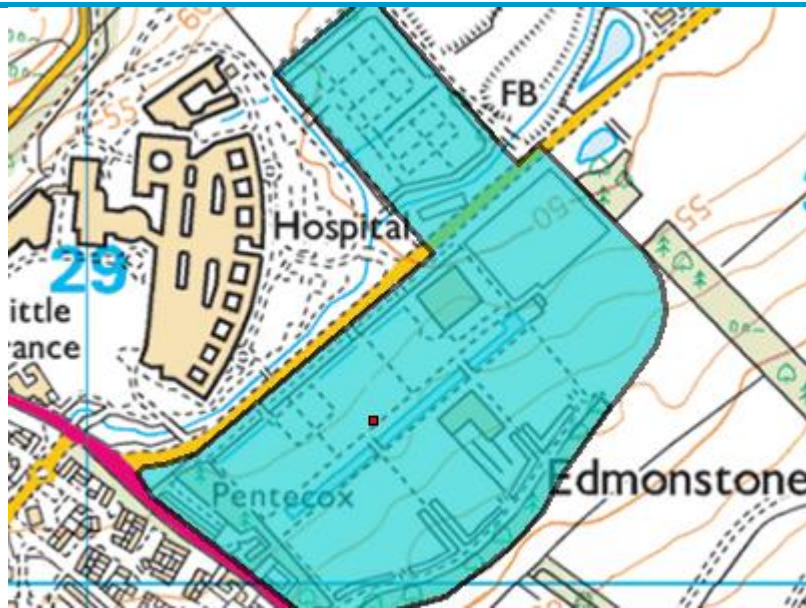
- 1. Condition 12 attached to the previous application, Ref. 13/05048/FUL, states that:*
- 12. Land shall be safeguarded for a tram route running parallel to Old Dalkeith Road, located between the existing cottages and the prospective landscaping belt for the new development, in accordance with drawings to be submitted to and approved in writing by the Head of Planning and Building Standards, prior to the commencement of work on site, such land to be made available at no cost to the Council.*

The application seeks to delete this condition and reflects the changes already set out in the Edinburgh Local Development Plan dated November 2016, see p.37 and Proposals Map South East. There is no change proposed under this application to the tram safeguard along Little France Drive.

- 2. It should be noted that no costs have been identified in the Edinburgh Local Development Plan Action Programme (January 2019) for the Sherriffhall Junction*

Contribution Zone. Therefore it is not considered appropriate to seek contributions at this time.

Location Plan



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