

Development Management Sub-Committee Report

Wednesday 29 May 2024

**Application for Planning Permission.
Land 90 metres east of 67 Peffer Place, Edinburgh,**

Proposal: Construction of light industrial units for rental and associated access roads and landscaping (as amended).

**Item – Committee Decision
Application Number – 23/06454/FUL
Ward – B17 - Portobello/Craigmillar**

Reasons for Referral to Committee

In accordance with the Schemes of Delegation, this application has been referred for determination by the Development Management Sub-committee as it has been submitted by the Council and the proposals do not constitute a routine minor development.

Recommendation

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

Summary

There is no strong presumption against granting planning permission as the development will not harm the setting of the listed building. The proposals accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the Development Plan and there are no compelling material considerations for not approving the proposals.

SECTION A – Application Background

Site Description

The site is vacant land within the Castlebrae Business Centre. It is allocated by the Edinburgh Local Development Plan 2016 (LDP) for business and industry uses.

It is bounded by the Edinburgh Suburban and Southside Junction Railway Line to the north, a multi use games area (MUGA) associated with the Castlebrae Community Campus to the east, Peffer Place / Harewood Road to the south and already established areas of the Castlebrae Business Centre to the west.

The Castlebrae Business Centre with Lodge (former Niddrie Marischal School) to the southwest is a Category B listed building (LB49459). Land to the north of the railway line falls within the Duddingston Conservation Area and a Special Landscape Area (Holyrood, Duddingston and Prestonfield). The railway line is also a Local Nature Conservation Site.

Description of the Proposals

Planning permission is sought for the erection of light industrial units for Class 4, 5 and 6 purposes.

The single storey units are to be finished in red brick and grey metal cladding. Connections are proposed to the Castlebrae Business Centre to the west as well as an existing unit which the proposals will effectively wrap around. A second access to Harewood Road is to be provided next to a relocated set of bollards to prevent through traffic to Niddrie Mains.

Scheme 2

The application was amended prior to this recommendation. Scheme 2 reduced the level of car parking and introduced accessible spaces, formed visitor cycle parking areas, confirmed the materials for the units and inclusion of solar PV panels, sought indicative soft landscaping proposals and incorporated swales and related surface water management measures.

Supporting Information

The following submissions were considered in the assessment of the proposals:

- Drainage Calculations;
- Drainage Strategy Report;
- Flood Risk Assessment;
- Pre and Post-development Overland Flow Paths and
- Road Adoption Layout.

These are available to view on the Councils planning portal.

Relevant Site History

08/02725/FUL

81 Peffer Place

Edinburgh

EH16 4BB

Extension and additional site access to static caravan chalet site at 81 Peffer Place

Edinburgh

Granted

11 September 2008

06/00973/FUL
81 Peffer Place
Edinburgh
EH16 4BB
Caravan site and associated storage for fairground folk
Granted
8 June 2006

99/02864/FUL
Adjacent To:
3 Harewood Road
EH16 4NL
Erect industrial units
Granted
29 December 1999

Other Relevant Site History

19/01771/FUL
Redevelopment Site At
Niddrie Mains Road
Edinburgh
Erection of a new 3 and 4 storey secondary school with associated hard and soft landscaping, 'town square' proposal, external sports provision and car parking.
Granted

1 October 2019

05/01991/FUL
73 + 75 Peffer Place
Edinburgh
EH16 4BB
Extension to existing industrial unit to provide offices
Granted

19 August 2005

99/02864/FUL
Adjacent To:
3 Harewood Road
EH16 4NL
Erect industrial units
Granted

29 December 1999

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Archaeology Service

Flood Prevention

Network Rail

Scottish Water

Environmental Protection

Transport Planning

Network Rail

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 November 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 0

Section B - Assessment

Determining Issues

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

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

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

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) and the 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 setting of the listed building

The Historic Environment Scotland's Managing Change Setting guidance is relevant in the consideration of this application. The proposals shall not have an adverse impact on the special interest of the Castlebrae Business Centre with Lodge (former Niddrie Marischal School) due to the degree of physical separation, the single-storey nature of the units and their position away from this Category B listed buildings principal elevation.

Conclusion in relation to the listed building

There is no strong presumption against granting planning permission as the development will not harm the setting of the listed building. The proposals accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the Development Plan

The relevant Development Plan policies are:

- NPF4 Sustainable Places Policies 1, 2, 3, 4, 7, 9, 11, 12 and 13;
- NPF4 Liveable Places Policies 14, 15, 19, 20, 22 and 23;
- NPF4 Productive Places Policies 25 and 26;
- LDP Design Principles for New Development Policies 1, 2, 3, 4, 5 and 7;
- LDP Caring for the Environment Policies 12, 15, 21 and 22;
- LDP Employment and Economic Development Policies 8 and 9;
- LDP Transport Policies 2, 3 and 4; and
- LDP Resources and Services Policy 6.

The non-statutory Edinburgh Design Guidance and the Craigmillar Urban Design Framework are material in the consideration of the application.

Principle of the proposals

The proposals seek planning permission for Class 4, 5 and 6 uses on land where the principle has already established by the LDP allocation. They are compatible with the primary function of the Castlebrae Business Centre and there is no *"need for appropriate site restoration at the end of a period of commercial use"* as the proposals are not temporary. There are no concerns regarding residential amenity or the natural or historic environment as considered in the relevant sections below. The proposals will contribute to community wealth building through employment from construction and then by occupation.

The proposals comply with the relevant sections of NPF4 Policies 25 and 26 and LDP Policies Emp 8 and Emp 9.

Design and impact on the character and appearance of the surroundings.

The site has no features that are worthy of retention and the proposals will not compromise the effective development of adjacent land or the wider aims of the Craigmillar Urban Design Framework. The overarching design and layout are generally consistent with the six design qualities for successful places whilst noting that Class 4, 5 and 6 uses typically have relatively simple internal and external design needs. The units are similar to those elsewhere within the Castlebrae Business Centre and the proposals will contribute towards a sense of place through the sustainable reuse of a vacant site.

Although trees will be removed, they are unremarkable and unmanaged self-seeded specimens and suitable compensation is indicatively proposed; this shall be secured by condition. The proposals will preserve the setting of the conservation area and Special Landscape Area as the single-storey nature of the units limits their wider visibility and trees either side of the railway line that provide existing screening will be supplemented by a general increase in soft landscaping for a currently vacant site.

The proposals, subject to a condition, comply with the relevant sections of NPF4 Policies 4 and 14 and LDP Policies Des 1, Des 2, Des 3, Des 4, Des 7 and Env 12.

Impact on historic assets and places

The proposals impact on the listed building have been considered acceptable under Section a). The CEC Archaeology Service raise no objection subject to a condition.

The proposals, subject to a condition, comply with the relevant sections of NPF4 Policy 7.

Amenity

The proposals are compatible with established business and industry uses to the west / southwest. Due to the lack of designated yards for external operations and the relatively small scale of each respective unit, it is not anticipated that they will generate any significant adverse amenity effects for users of the MUGA to the east and 'town square' to the south as approved under 19/01771/FUL. Soft landscaping to act as screening will be sought to site boundaries as part of a condition.

The nearest dwelling is 80 metres (approx.) on Packer Road and this separation distance shall suitably minimise any adverse residential amenity effects. Environmental Protection raise no objection in relation to amenity.

The proposals, subject to a condition, comply with the relevant sections of NPF4 Policy 23 and LDP Policy Des 5.

Transport, infrastructure and local living

The total number of designated car parking spaces and level of accessible provision accord with the Edinburgh Design Guidance. There are minor infringements relating to the number of electric vehicle charging points and lack of designated motorcycle provision. However, neither raises any material planning concerns as all units will have the means for charging vehicles and the informal parking of motorcycles would be possible in-unit or in-curtilage. Cycle parking is anticipated to be in-unit for future occupiers / staff and the location and Sheffield stand design of 16 visitor spaces is deemed acceptable for proposals of this nature. The site is accessible by public transport and in line with local living principles as it is within reasonable walking distances of established communities. Transport Planning raised no objection subject to conditions and / or informatives.

Network Rail raise no objection subject to three conditions, two relating to landscaping and one relating to surface water management, and these shall be attached. Network Rail were consulted a second time due to receiving revised drainage proposals but no updated response was received.

The proposals comply with the relevant sections of NPF4 Policies 13 and 15 and LDP Policies Tra 2, Tra 3 and Tra 4.

Global climate and nature crisis

Significant weight has been given to the global climate and nature crises and the balance is tipped in favour. The proposals will result in the sustainable reuse of a vacant site. It is of very limited biodiversity value and the increase in soft landscaping on completion of the development is deemed to be an appropriate enhancement measure for this local development. Trees to the railway line shall be unaffected which will preserve its ability to act as a 'nature corridor'. Low-carbon technologies have been incorporated and any operational waste is anticipated to be typical for proposals of this nature and adequately addressed by separate to planning consenting mechanisms. They proposals are to be served by the public water and sewer network and Scottish Water have confirmed that there is sufficient current capacity.

Environmental Protection raise no objection in relation to land contamination or ground stability. Flood Prevention had raised concerns regarding the finished floor level of some of the units but this has been adequately addressed by the incorporation of swales and related surface water management measures.

The proposals comply with the relevant sections of NPF4 Policies 1, 2, 3, 4, 9, 11, 12, 19, 20 and 22 and LDP Policies Env 15, Env 21, Env 22 and RS6.

Conclusion in relation to the Development Plan

The proposals comply with the relevant sections of NPF4 Policies 1, 2, 3, 4, 7, 9, 11, 12, 13, 14, 15, 19, 20, 22, 23, 25 and 26 and LDP Policies Des 1, Des 2, Des 3, Des 4, Des 7, Env 12, Env 15, Env 21, Env 22, Emp 8, Emp 9, Tra 2, Tra 3, Tra 4 and RS 6.

c) There are any material considerations for not approving the proposals

The following matters have been identified as material considerations.

Emerging policy context

On 5 April 2024 the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

Due regard has been given to Section 149 of the Equality Act 2010 and human rights; no material adverse impacts have been identified.

Public representations

None.

Conclusion in relation to identified material considerations

None of the identified matters constitute compelling material considerations for not approving the proposals.

d) Overall conclusion

There is no strong presumption against granting planning permission as the development will not harm the setting of the listed building. The proposals accord with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. The proposals comply with the Development Plan and there are no compelling material considerations for not approving the proposals.

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. No development shall commence until full landscape information, including details of all hard and soft surface materials, boundary treatments, planting, implementation and maintenance, has been submitted to and approved in writing by the Planning Authority in consultation with Network Rail for relevant measures. This information shall include a fully detailed landscape plan and make allowance for a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary, provision for its future maintenance and the fence's future maintenance and renewal.

Once written approval is received, the fully detailed landscape plan shall be fully implemented within 6 months of the completion of the development. Any trees or plants which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced 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.

3. No development shall commence until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Council as Planning Authority.
4. No development shall commence until a surface and foul water drainage scheme has been submitted to and approved in writing by the planning authority in consultation with Network Rail. Any sustainable drainage scheme must not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development. The development shall be carried out only in full accordance with such approved details.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the landscaping is compatible with the character of the surroundings and is timeously implemented and in the interests of the safety of the railway network.

3. In order to ensure that the archaeological potential of the site is resolved prior to any disturbance which may arise from development.
4. To protect the stability of the railway line and the safety of the rail network.

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 proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority.
4. No means of access to the railway or Network Rail assets shall be obstructed at any time during and after the construction of the development.
5. Construction works, and tree felling must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. Applicants must be aware of any embankments and supporting structures which are in close proximity to their development.
6. Details of all tree felling and changes in ground levels, laying of foundations, and operation of mechanical plant in proximity to the rail line must be submitted to Network Rail's asset protection engineers for approval prior to works commencing on site. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. by a "possession" which must be booked via Network Rail's asset protection engineers and are subject to a minimum prior notice period for booking of 20 weeks. It is advised that applicants get in contact with Network Rail as early as possible to avoid delays to their anticipated timescales.
7. In relation to condition 2, the applicants should note that certain broad leaf deciduous species should not be planted adjacent to the railway boundary and any trees / shrubs to be planted adjacent to the railway boundary should be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Network Rail can be contacted for planting recommendations.

8. The relocation of the existing point closure on Peffer Place (bollards) will require the successful promotion of an Order. The applicant will be required to meet the costs of this Order, expected to be a minimum of around £3,000.
9. The applicant should note that:
 - a. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent.
 - b. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be as indicated on submitted drawing City of Edinburgh Council drawing Ref.:AL(0)1010 Rev.A.
 - c. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
10. The applicant should note that new road names may be required for the development, and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. Costs are likely to be a minimum of £3,000. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.
12. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 October 2023

Drawing Numbers/Scheme

01, 02, 03A, 04A, 05, 06A, 07A, 08A, 09A, 10A, 11A

Scheme 2

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

Contact: Graham Fraser, Assistant Planning Officer
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Appendix 1

Summary of Consultation Responses

NAME: Archaeology Service
COMMENT: No objection subject to a condition
DATE: 23 November 2023

NAME: Flood Prevention
COMMENT: No objection
DATE: 8 May 2024

NAME: Network Rail
COMMENT: No response
DATE:

NAME: Scottish Water
COMMENT: No objection
DATE: 7 December 2023

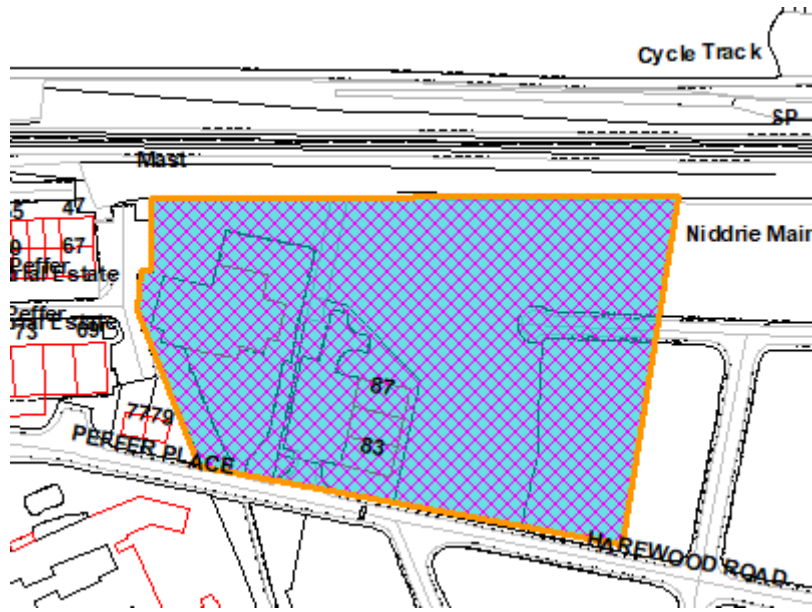
NAME: Environmental Protection
COMMENT: No objection
DATE: 12 December 2023

NAME: Transport Planning
COMMENT: No objection subject to conditions and / or informatives
DATE: 16 May 2024

NAME: Network Rail
COMMENT: No objection subject to conditions
DATE: 8 December 2023

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

Location Plan



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