

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 29 July 2015

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

- 1.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.
- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any item in part 5 of the agenda. Members must advise Committee Services of their request by no later than 9.00am on the Monday preceding the meeting (see contact details in the further information section at the end of this agenda).

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Development Management Sub-Committee of 24 June and 1 July 2015 - submitted for approval as a correct records (circulated)

4. Hearing Requests from Ward Councillors

If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide at this point in the meeting whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting

5. General applications and miscellaneous business

The recommendations by the Acting Head of Planning and Building Standards or other Chief Officers detailed in their reports will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1 above.

- 5.1 1, 2, 3, 4 Almond Road (Edinburgh Airport Police Station, Edinburgh Airport), Edinburgh – Erection of hotel and associated facilities, car parking and landscaping (as amended). - Application no. 15/00661/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 5.2 Angle Park Terrace, West Approach Road (Proposed Advertising Hoarding Near), Edinburgh – Erect new Premiere 450 back-lit advertising hoarding. - Application no. 14/01410/ADV - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 5.3 179 Clermiston Road and 7 Fox Covert Grove, Edinburgh – Tree Preservation Order - Reference no. 176 - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this order be **CONFIRMED**.

- 5.4 4 Ellersly Road (Telecoms Apparatus 22 Metres South Of), Edinburgh – Erection of a temporary telecoms tower to facilitate the development of the Ellersly House Hotel (in retrospect) (as amended). - Application no. 15/01912/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 5.5 57 Hesperus Broadway, 20 Hesperus Crossway, Edinburgh – Application for modification of the planning obligation.- Application no. 15/00512/OBL- report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **REFUSED**.

- 5.6 20 Mansionhouse Road, Edinburgh – Works associated with, and thereafter the laying out of artificial grass (in retrospect) - Application no. 15/02190/FUL- report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **REFUSED**.

- 5.7 20 Mansionhouse Road, Edinburgh – Erection of timber deck with integrated trampoline (in retrospect)- Application no. 15/02191/FUL- report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **REFUSED**.

- 5.8 189 Morrison Street, Edinburgh – Amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4) - Application no. 14/03230/FUL- report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 5.9 54 Newbattle Terrace, Edinburgh – Demolition of existing dwelling house and erection of new 7 unit apartment block. - Application no. 15/01904/FUL- report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

6. Returning Applications

These applications have been discussed previously by the Sub-Committee. The Sub-Committee instructed the Acting Head of Planning and Building Standards to report on detailed reasons for refusal or on the conditions to be attached to approval.

- 6.1 181 - 183 Canongate, Edinburgh - Alterations including installation of twin 150mm diameter flue ducts to rear elevation and change of use of existing shop premises (Class 1 Shops) to form restaurant (Class 3 Food and Drink). (Amended description) Application no. 14/02158/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **REFUSED**.

- 6.2 235 Corstorphine Road, Edinburgh - Proposed residential development comprising of conversion of existing building to create 9 apartments, and development of 21 residential apartments, car parking landscaping and ancillary works. - Application no. 13/02510/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 6.3 Granton Castle Walled Garden (Land North of Waterfront Avenue), Edinburgh - Erect 17 residential units within walled garden, form new access with associated landscaping and car parking (as amended). Application no. 03/04595/FUL and Erect 17 residential units within walled garden, form new access with associated landscaping and car parking (as amended). Application no. 03/04596/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that Development Management Sub-Committee note the context and current position regarding planning application 03/04595/FUL and duplicate planning application 03/04596/FUL

- 6.4 Greendykes Road (Land At Greendykes North), Edinburgh - Residential development and public open space at approx 80 units per ha on 9.5 ha of land enclosed by Greendykes Avenue and Greendykes Road (outline application) and submitted housing design guide. Application no. 05/01358/OUT - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 6.5 104 Newcraighall Road (Land 263 Metres South Of), Edinburgh - Planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision. Application no. 10/03506/PPP - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

7. Applications for Hearing

The Acting Head of Planning and Building Standards has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Legal, Risk and Compliance sets out the procedure.

- 7.1 8 Bridge Road, Edinburgh – Protocol Note by the Head of Legal, Risk and Compliance (circulated)
- 7.1a 8 Bridge Road, Edinburgh – Extension to ground and basement floors for retail purposes, alteration to shop front, installation of new door opening and balcony at first floor, removal of trees, demolition of outbuilding and ancillary works. - Application no. 15/05261/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

8. Application for Detailed Presentation

The Acting Head of Planning and Building Standards has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 8.1 1 Canonmills Bridge, Edinburgh – Complete Demolition in a Conservation Area. - Application no. 15/01786/CON - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 8.2 137 Drum Street, Candlemaker's Park (Land 126 Metres North Of), Edinburgh – Planning Permission in Principle for Residential Development and Associated Works. - Application no. 14/01238/PPP - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 8.3 50 Greenbank Drive (Telecomms Mast 70 Metres Northwest Of), Edinburgh – Permanent telecoms mast to replace the temporary masts currently on the golf course (as amended). - Application no. 14/04980/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 8.4(a) 127 Trinity Road, Edinburgh – Demolition of existing garage building and the development of five new houses with associated retaining walls. - Application no. 15/01788/FUL - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

- 8.4(b) 127 Trinity Road, Edinburgh – Demolish the existing building with exception of the south wall. - Application no. 14/05070/CON - report by the Acting Head of Planning and Building Standards (circulated)

It is recommended that this application be **GRANTED**.

9. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites.

- 9.1 None.

10. Pre-Application Reports

No decisions will be taken on these applications at this meeting. Following a presentation by the Acting Head of Planning and Building Standards, members will have the opportunity to ask questions and indicate key issues they would like the applicants to consider in their eventual application/s. Members will not express a view on the merits of the proposal/s.

- 10.1 1-6 India Buildings, 11-15 Victoria Street, 18-20 Cowgate, Edinburgh - Forthcoming application by Dreamvale Properties Ltd for a major development for a mixed use development comprising hotel, bar, restaurant, cafe, retail and commercial uses which will include alterations and partial demolition of existing buildings - report by the Acting Head of Planning and Building Standards (circulated).
- 10.2 1-15 Winton Gardens (Land 88 Metres East Of), Edinburgh - Forthcoming application by Miller Homes Ltd for a residential and associated development - report by the Acting Head of Planning and Building Standards (circulated).

Carol Campbell

Head of Legal, Risk and Compliance

Committee Members

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Balfour, Blacklock, SNP Vacancy, Cairns, Child, Heslop, Howat, Keil, McVey, Milligan, Mowat and Robson.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 15 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

All members of the Council have been notified of the publication of this agenda. Any member can request a hearing if an item raises a local issue affecting their ward. Members must advise Committee Services by no later than 9.00am on the Monday preceding the meeting if they wish to be heard. Contacts: Blair Ritchie 0131 529 4085 email blair.ritchie@edinburgh.gov.uk.

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Acting Head of Planning and Building Standards or other Chief Officers for full details. Online Services - planning applications can be viewed online by going to www.edinburgh.gov.uk/planning - this includes letters of comments received.

Only elected members and officers of the Council may speak at the meeting unless the item is shown as a Hearing. For Hearings, the list of organisations invited to speak at the meeting will be detailed in the relevant report. The Development Management Sub-Committee does not hear deputations.

For the majority of planning applications, the decision rests with the Development Management Sub-Committee. The Sub-Committee only makes recommendations to the full Council on national/major planning applications, as defined in legislation. Reports on that type of application which require a "pre-determination hearing" will explain the process.

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4085 email blair.ritchie@edinburgh.gov.uk .

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/meetings .

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Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 24 June 2015

Present:

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Balfour Blacklock, Child, Howat, Keil, McVey, Milligan, Mowat and Robson.

1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 5, 6, 7 and 10 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave a presentation on agenda item 5.1 (20 Bellfield Street, Edinburgh) as requested by Councillor Child.

A requests to consider agenda item 5.7 (54 Station Road, Edinburgh) by holding a hearing session had been received from Councillor Work and a presentation was given.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Acting Head of Planning and Building Standards, submitted)

2. Minutes

Decision

To approve the minute of the Development Management Sub Committee of 17 June 2015 as a correct record.

3. 21 Bellfield Street, Edinburgh

The Acting Head of Planning and Building Standards reported on an application for planning permission for the erection of ancillary outbuilding at the bottom of the garden at 20 Bellfield Street, Edinburgh (application no. 15/01570/FUL).

The Acting Head of Planning and Building Standards gave a presentation on the proposal and the planning considerations involved, and recommended that permission be granted.

Motion

To continue consideration of the application for further discussions with the applicant and interested parties on a more sympathetic proposal for the development.

- moved by Councillor Child, seconded by Councillor Milligan.

Amendment

To grant planning permission subject to informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Howat, seconded by Councillor Balfour.

Voting

For the motion - 7 votes

For the amendment - 5 votes

Decision

To continue consideration of the application for further discussions with the applicant and interested parties on a more sympathetic proposal for the development.

(References –report by the Acting Head of Planning and Building Standards, submitted).

4. 6 – 8 Market Street, Edinburgh

The Acting Head of Planning and Building Standards reported on an application for planning permission for demolition of a former garage and redevelopment of the site for a hotel, ground floor commercial units for Class 1, Class 2 and Class 4 uses, associated facilities and other works (amended plans and additional supporting information) at 6 – 8 Market Street, Edinburgh (application no. 14/04962/FUL).

The Acting Head of Planning and Building Standards gave a presentation on the proposal and the planning considerations involved, and recommended that permission be granted.

Motion

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Perry, seconded by Councillor McVey.

Amendment

To continue consideration of the matter for further investigation of options for tram contributions and review of the amenity of neighbouring residents arising from the renovations to the gable end of the City Arts Centre.

- moved by Councillor Bagshaw, seconded by Councillor Mowat.

Voting

For the motion - 10 votes

For the amendment - 2 votes

Decision

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

(References – report by the Acting Head of Planning and Building Standards, submitted).

5. 77 Riccarton Mains Road, Edinburgh

The Acting Head of Planning and Building Standards reported on an application for planning permission for a proposed residential development of 17 dwellings (as amended) at 77 Riccarton Mains Road, Edinburgh (application no.15/00698/FUL).

The Acting Head of Planning and Building Standards gave a presentation on the proposal and the planning considerations involved, and recommended that permission be granted.

Motion

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

To refuse planning permission as the application was contrary to the existing policy with regard to development on greenbelt land.

- moved by Councillor Bagshaw, seconded by Councillor Mowat.

Voting

For the motion - 9 votes

For the amendment - 3 votes

Decision

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

(References – Development Management Sub-Committee 24 June 2015 (item 7.4) - report by the Acting Head of Planning and Building Standards, submitted).

Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decision are contained in the statutory planning register.		
Item No 5.1 – 20 Bellfield Street Edinburgh	The erection of ancillary outbuilding at the bottom of the garden. Application No. 15/01570/FUL	To CONTINUE consideration of the application for further discussions with the applicant and interested parties on a more sympathetic proposal for the development (On a division)
Item No 5.2 – 17 - 21 Blackfriars Street Edinburgh	Change of use of vacant building to restaurant at basement and ground floor level and residential apartments at first and second floors. Application No. 15/01278/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards To note that condition 2 and informative 4 had been deleted from the report.
Item No 5.3 – Brunswick Road Edinburgh	Stopping Up Order. Reference No. PO/15/4	To CONFIRM the Stopping Up Order.
Item No 5.4 – Calder Road Edinburgh	Erect 1 digital display static advertisement hoarding at the roadside. Application No. 15/00304/ADV	To GRANT advertisement consent subject to conditions, reasons and informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 5.5 - 73 Logie Green Road Edinburgh	Change of use from vacant commercial offices to create 29 residential apartments, including the internal subdivision and conversion of the open plan office space and the addition of new external access walkways at 1st, 2nd and 3rd floor levels on the north side of the building (as amended). Application No. 15/01376/FUL	To CONTINUE the application for further discussion with the application on affordable housing.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 5.6 - North Fort Street North Hillhousefield Hamilton Wynd Lindsay Street and Portland Street Edinburgh	Stopping Up Order. Reference No. PO/15/3	To CONFIRM the Stopping Up Order.
Item 5.7 - 54 Station Road South Queensferry	Demolition of detached single garage and erection of double storey side extension to 1m from boundary line and single storey extension to rear of building extending 4.6m out from the existing rear elevation. Inclusion of 2 dormer windows to rear elevation, and 2 rooflights (as amended). Application No. 15/01624/FUL	1. To decline the request for a hearing. 2. To GRANT planning permission subject to informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 5.8 - West Approach Road Edinburgh	Hoarding - internal LED lighting (3.048m x 6.096m aluminium and steel). Application No. 15/02004/ADV	To GRANT advertisement consent subject to conditions, reasons and informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 6.1 - 40 Stanley Place Edinburgh	40 Stanley Place, Edinburgh – Demolition of existing buildings and construction of 93 units of student accommodation with ancillary services. Application No. 14/05075/FUL	To note the report.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 7.1 (a) - St James Centre Edinburgh	Approval of matters specified in condition 23 (i), (iii), (vii), (ix), (x), (xi), (xvi) and (xvii) of Planning Permission 08/03361/OUT relating to number of residential /commercial/business units, design of external features and materials, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, and hard and soft landscaping detail. Application No. 14/05263/AMC	To CONTINUE the application for a Hearing at a meeting of the Development Management Sub-Committee on Wednesday 1 July 2015.
Item 7.1 (b) - St James Centre Edinburgh	Application for approval of matters specified in condition 23(iv), (v), (vi), (viii), (xii), (xiii), (xiv) and (xv) of Planning Permission 08/03361/OUT relating to cycle parking facilities, showers / lockers, signing of pedestrian /cycle routes, car parking bays, external lighting, hours of deliveries /collections, waste management and hours of operation. Application No15/01742/AMC	To CONTINUE the application for a Hearing at a meeting of the Development Management Sub-Committee on Wednesday 1 July 2015.
Item 7.1 (c) - St James Centre Edinburgh	Application for approval of matters specified in Condition 23 of Outline Planning Permission 08/03361/OUT for 'the precise location and extent of individual uses'. Application No. 15/02054/AMC	To CONTINUE the application for a Hearing at a meeting of the Development Management Sub-Committee on Wednesday 1 July 2015.
Item 7.1 (d) - St James Centre Edinburgh	Stopping Up Order. Reference No. PO/15/7	To CONTINUE the application for a Hearing at a meeting of the Development Management Sub-Committee on Wednesday 1 July 2015. Letters of representation to be circulated.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 7.2 (a) - 6 - 8 Market Street Edinburgh (Site 69 Metres West of)	Demolition of former garage building and redevelopment of site for hotel, ground floor commercial units for Class 1, Class 2 and Class 4 uses. Associated facilities and other works (Amended Plans and Additional Supporting Information). Application No. 14/04962/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards. (On a division)
Item 7.2 (b) - 6 - 8 Market Street Edinburgh (Site 69 Metres West of)	Complete Demolition in a Conservation Area. Application No. 14/04962/CON	To GRANT conservation area consent subject to conditions, reasons and informatives and referral to Scottish Ministers as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 7.3 - 200 Mayfield Road Edinburgh	Demolition of existing building and erection of student accommodation including all associated works. Application No. 14/04204/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 7.4 - 77 Riccarton Mains Road Edinburgh (Land 80 Metres North of)	Proposed residential development of 17 dwellings (as amended). Application No.15/00698/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards. (On a division)
Item No 10.1 - 5 - 7 Regent Road Edinburgh (New Parliament House)	Forthcoming application by Royal High School Preservation Trust for planning permission for conservation and adaption of former Royal High School building to form new premises for St Mary's Music School and adaption and demolition of later ancillary buildings to form new residential and practice facilities for the school. Ref No.15/0231/PAN	To note the key issues at this stage.

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 1 July 2015

Present

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Balfour, Blacklock, Cairns, Child, Heslop, Howat, Keil, McVey, Milligan, Mowat, Robson and Ross (substituting for Councillor Brock).

1. St James Centre, Edinburgh

The Sub-Committee had agreed to hold a hearing for consideration of the applications 14/05263/AMC, 15/01742/AMC and 15/02054/AMC for approval of matters specified in conditions in the outline planning permission for development at St James Centre, Edinburgh

The Head of Legal, Risk and Compliance had issued a Protocol Note outlining the procedures that had been adopted for the consideration of applications at a hearing by the Development Management Sub-Committee

Decision

To note the report

(Reference – Protocol Note for Hearing by the the Head of legal, Risk and Compliance, submitted.)

2. St James Centre, Edinburgh – Application No 14/05263/AMC

Details were provided of the application for approval of matters specified in condition 23 (i), (iii), (vii), (ix), (x), (xi), (xvi) and (xvii) of Planning Permission 08/03361/OUT relating to number of residential/commercial/business units, design of external features and materials, pedestrian and cycle access arrangements, treatment to adopted roads or footways, car parking venting, servicing, surface water and drainage, and hard and soft landscaping details at St James Centre, Edinburgh - Application No. 14/05263/AMC.

(a) Report by the Acting Head of Planning and Building Standards

The Acting Head of Planning and Building Standards gave details of the proposals and advised that they were consistent with the outline planning permission to which they related. The form of the development, the uses within it

and routes through it were all acceptable. It had a positive effect on the New Town Conservation Area, the setting of nearby listed buildings and the Outstanding Universal Value of the World Heritage Site. The impacts on neighbouring amenity were adequately protected and the proposal would provide appropriate levels of amenity for future occupiers. Its environmental and transport impacts were acceptable, as were its impacts on the economy.

There were no other material considerations which outweighed this conclusion.

The Acting Head of Planning and Building Standards recommended that the Sub-Committee approve of the application, subject to the conditions and informatives detailed in his report.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/181763

(b) New Town and Broughton Community Council

Carol Nimmo on behalf of New Town and Broughton Community Council (NTBCC) advised that they had already made representations on 2 of the 3 “Approval of Matters specified in Conditions” (AMC’s) being discussed by the Development Management Committee today.

They did not wish to restate the detailed points made by NTBCC in these representations as they had been adequately covered in the reports before this committee.

However, under Condition 23 (iii) attached to the original outline planning permission, “The design of all external features and glazing specifications, all external material and finishes, including their colour” as covered under 14/05263/AMC – the Community Council had originally deferred comment on the developer’s proposed use of limestone to other architectural / heritage bodies. They now wished to clearly state the position of the Community Council regarding the current proposals contained in the Planning Officer’s report.

NTBCC have a strong preference for a natural stone finish for the primary facades as currently defined, and accept that sandstone is the preferred facing material and have seen the applicant’s position paper regarding their ability to source sufficient quantities of sandstone. NTBCC would not make specific comments on the validity of the arguments presented but do take note that on one hand there are other large developments where the necessary quantities of sandstone have been successfully sourced, albeit at a cost. However, it is also acknowledged that there are many examples of non-sandstone buildings within the immediate vicinity.

From a community perspective; firstly, NTBCC do not believe that the use of limestone would fatally compromise the overall appearance of the building. Secondly, the use of natural stone, whether sandstone or alternatively limestone, is strongly preferred as a facing material versus other alternatives which had been suggested.

In summary, the Community Council remains broadly supportive of the overall development and would hope that the issue of materials can be concluded with minimum delay to allow this important development to proceed. However, having heard the presentation on the applications today the Community Council would reaffirm their strong preference for a natural stone finish for the primary facades as currently defined.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/181763

(c) Edinburgh World Heritage Trust

Jim Macdonald on behalf of Edinburgh World Heritage advised that the existing development failed to contribute positively to the World Heritage Site and the proposals represent an improvement on what is there; however, some of the main elements will detract from its overall value to Edinburgh. The use of limestone as the principle façade for the development is the main contentious issue. This development will link the St James Quarter to the first New Town and it is a surprise that this material is recommended, as the reasons advanced by the applicants fail to satisfy the Trust on how this will enhance the quality of the townscape. Limestone, like any other building stone, will exhibit variations in texture and appearance according to the provenance and materials in place.

In conclusion it was requested that the committee reject the use of this alien material in the development.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/181763

(d) The Cockburn Association

Marion Williams on behalf of the Cockburn Association advised that the Association was largely supportive of the development, however has said all along that the use of limestone was inappropriate. One of the defining characteristics of Scottish cities is their building stone. Edinburgh's is Craigleith

Sandstone and has been used all across the Old and New Town. While this stone is no longer available alternative sandstone is available and could be used. Limestone is proposed by the applicants to set this building apart but have advanced no reasons why this is needed to be done. The development should aim to blend in with its surroundings in the World Heritage Site. Limestone has been used predominantly in London and the south and defines those areas, but would only contrast in Edinburgh as limestone does not age or weather in the same manner as sandstone.

The amount of sandstone, contrary to the applicant's assertion, could be obtained from quarries in Britain over two years.

This is a development that covers a whole quarter of the New Town, not a single building, and the material chosen needed to be right as there will be no second chances.

In conclusion the Association is of the opinion that the condition for sandstone is reasonable and ask that it be imposed.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/181763

(e) Applicants

Richard Slipper, Alexander Fairweather and Martin Perry outlined the case on behalf of the applicants. Samples of the stone had been placed on site to show that it blended in.

Limestone on the primary facades is appropriate, as the surrounding area has many differing styles of architecture, particularly in the commercial area. The development accords with design guidance which links with the surrounding areas. Creating an appearance that blends in with existing building material variation in the area was difficult, with Register House, the Omni Centre and Multrees Walk all quite different hues and styles. They did not want a façade with different colored blocks, or one colour throughout, rather they wished to form a harmonious context to present special buildings within the development, such as the Central Hotel.

Limestone, like sandstone ages differently and much work has gone into finding a type that will blend into the environment.

The following issues were also raised in the presentation:-

- The scale of investment in the development
- The lack of availability of sandstone in the UK for delivery within the construction period
- The level of commitment to the project
- The economic benefit to the city, and prevention of the further erosion of the city centre
- The benefits to the city in respect of potential income to the retail sector

In conclusion they asked the committee to take a balanced view and endorse their proposals

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/181763

Motion

1. To amend condition 1 to read “Notwithstanding the approved plans the exclusive use of limestone under condition 23 part (iii) shall be reserved to allow further discussion with the Acting Head of Planning and Building Standards to discuss the possibility of using sandstone on primary elevations on Leith Street, the top of little King Street, St James Place at its corner with Elder Street, Elder Street, James Craig Walk and the proposed Register Square, otherwise to approve the application subject the conditions, reasons and informatives as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards.
 2. The outcome of discussions to be reported back to the Development Management Sub-Committee on 26 August 2015.
- moved by Councillor Perry, seconded by Councillor Blacklock.

Amendment

To delete condition 1 and informatives 12 and 14 and otherwise to approve the application subject to:

Conditions

1. Notwithstanding the approved drawings show a road layout at Elder Street and its junctions with York Place and St James Place, the road layout at this location is not approved.
2. The proposed temporary access from Leith Street is not approved.

Reasons:-

1. In order to ensure the road layout is acceptable in relation to design and safety.

2. In order to ensure there is no undue impact on general traffic and safety on Leith Street.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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.
4. A further application for approval of matters specified in condition shall be required for the road layout at Elder Street and its junctions with York Place and St James Place.
5. Notwithstanding the treatment (including the information shown on landscape drawings) to roads and footways is approved, appropriate consents and orders as necessary in relation to transport and roads legislation. Should any design changes occur which mean that the design of the roads and footways is materially different to the approved drawings, a further application or applications for approval of matters specified in condition will be required in respect of those changes.
6. Prior to the commencement of works on site, in accordance with condition 15 of the outline planning permission to which this application relates (reference 08/03361/OUT) the design and full specification of all traffic controlled junctions and crossings require to be approved by the Council;
7. Details of surface water and drainage arrangements related to roads will require to be submitted in an application or applications for Roads Construction Consent (RCC) as necessary.
8. Details of the access arrangements of the hotel require to be submitted in an application or applications for Roads Construction Consent (RCC) and Traffic Regulation Order as necessary.
9. Details of street furniture, including lighting design, will require to be submitted in an application or applications for RCC, as necessary.
10. TRAMS - Important Note: The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do

not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway.

However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line; and
- See our full guidance on how to get permission to work near a tram way.

11. Pedestrian connectivity between the St James Quarter and the Register Lanes area should be further explored between the applicant and neighbouring landowners.

12. Condition 12 of the outline planning permission 08/03361/AMC remains in place and proposals for sandstone and other materials will be subject to this condition.

- moved by Councillor Howat, seconded by Councillor Mowat.

Voting

For the motion - 5 votes

For the amendment - 9 votes

Decision

To delete condition 1 and informatives 12 and 14 and otherwise to approve the application subject to:

Conditions

1. Notwithstanding the approved drawings show a road layout at Elder Street and its junctions with York Place and St James Place, the road layout at this location is not approved.

2. The proposed temporary access from Leith Street is not approved.

Reasons:-

1. In order to ensure the road layout is acceptable in relation to design and safety.
2. In order to ensure there is no undue impact on general traffic and safety on Leith Street.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of two years from the date of this consent or from the date of subsequent approval of matters specified in conditions, or three years from the date of planning permission in principle, whichever is the later.
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.
4. A further application for approval of matters specified in condition shall be required for the road layout at Elder Street and its junctions with York Place and St James Place.
5. Notwithstanding the treatment (including the information shown on landscape drawings) to roads and footways is approved, appropriate consents and orders as necessary in relation to transport and roads legislation. Should any design changes occur which mean that the design of the roads and footways is materially different to the approved drawings, a further application or applications for approval of matters specified in condition will be required in respect of those changes.
6. Prior to the commencement of works on site, in accordance with condition 15 of the outline planning permission to which this application relates (reference 08/03361/OUT) the design and full specification of all traffic controlled junctions and crossings require to be approved by the Council;
7. Details of surface water and drainage arrangements related to roads will require to be submitted in an application or applications for Roads Construction Consent (RCC) as necessary.
8. Details of the access arrangements of the hotel require to be submitted in an application or applications for Roads Construction Consent (RCC) and Traffic Regulation Order as necessary.
9. Details of street furniture, including lighting design, will require to be submitted in an application or applications for RCC, as necessary.

Development Management Sub-Committee of the Planning Committee – 1 July 2015

10. TRAMS - Important Note: The proposed site is on or adjacent to the Edinburgh Tram which is now operational. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway.

However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line; and
- See our full guidance on how to get permission to work near a tram way.

11. Pedestrian connectivity between the St James Quarter and the Register Lanes area should be further explored between the applicant and neighbouring landowners.

12. Condition 12 of the outline planning permission 08/03361/AMC remains in place and proposals for sandstone and other materials will be subject to this condition.

(References – Development Management Sub-Committee 20 May 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted.)

3. St James Centre, Edinburgh – Application No 15/01742/AMC

Details were provided of the application for approval of matters specified in condition 23(iv), (v), (vi), (viii), (xii), (xiii), (xiv) and (xv) of Permission 08/03361/OUT relating to cycle parking facilities, showers/lockers, signing of pedestrian/cycle routes, car parking bays, external lighting, hours of deliveries /collections, waste management and hours of operation at St James Centre, Edinburgh. Application No. 15/01742/AMC

The Acting Head of Planning and Building Standards gave details of the proposals and advised that they were consistent with the outline planning permission to which they related. The form of the development, the uses within it and routes through it were all acceptable. It had a positive effect on the New Town Conservation Area, the setting of nearby listed buildings and the Outstanding Universal Value of the World Heritage Site. The impacts on neighbouring amenity were adequately protected and the proposal would provide appropriate levels of amenity for future occupiers. The environmental and transport impacts were acceptable, as were its impacts on the economy.

There were no other material considerations which outweighed this conclusion.

The Acting Head of Planning and Building Standards recommended that the Sub-Committee approval of the application subject to the conditions and informatives detailed in his report.

Representatives of New Town and Broughton Community Council, the Cockburn Association, Edinburgh World Heritage Trust and the applicants were heard by the Sub-Committee as detailed above

Decision

To approve the application subject to the conditions, reasons and informatives detailed in Section 3 of the report by the Acting Head of Planning and Building Standards.

(References – Development Management Sub-Committee 24 June 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted.)

4. St James Centre, Edinburgh – Application No 15/02054/AMC

Details were provided of the application for approval of matters specified in Condition 23 of Outline Planning Permission 08/03361/OUT for 'the precise location and extent of individual uses' at St James Centre, Edinburgh. Application No. 15/02054/AMC

The Acting Head of Planning and Building Standards gave details of the proposals and advised that they were consistent with the outline planning permission to which they related. The form of the development, the uses within it and routes through it were all acceptable. It had a positive effect on the New Town Conservation Area, the setting of nearby listed buildings and the Outstanding Universal Value of the World Heritage Site. The impacts on neighbouring amenity were adequately protected and the proposal would provide appropriate levels of amenity for future occupiers. The environmental and transport impacts were acceptable, as were its impacts on the economy.

There were no other material considerations which outweighed this conclusion.

The Acting Head of Planning and Building Standards recommended that the Sub-Committee approval of the application.

Representatives of New Town and Broughton Community Council, the Cockburn Association, Edinburgh World Heritage Trust and the applicants were heard by the Sub-Committee as detailed above

Decision

To approve the application.

(References – Development Management Sub-Committee 24 June 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted.)

5. St James Centre, Edinburgh – Stopping Up Order

Details were provide of the a proposed stopping up order to facilitate implementation of a grant of approval of outline planning permission (reference 08/03361/OUT) for the redevelopment of St James Centre

The stopping up of the various sections of the road was progressed under the terms of the Town and Country Planning (Scotland) Act 1997, Sections 207 and 208. The order was advertised to the public from 15 May 2015 to 12 June 2015. Five objections were received and for the stopping up order to proceed the representations require to be passed to the Scottish Ministers.

Decision

To note the objections and that the order is passed to the Scottish Ministers to hold a Public Inquiry.

(Reference – Development Management Sub-Committee 24 June 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted.)

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/00661/FUL
At 1, 2, 3, 4 Edinburgh Airport Police Station, Almond Road,
Edinburgh Airport
Erection of hotel and associated facilities, car parking and
landscaping (as amended).**

Item number	5.1
Report number	
Wards	A01 - Almond

Summary

The proposal complies with the development plan and the relevant non-statutory guidelines. There are no amenity issues as a result of the development. A Stopping Up Order of Almond Avenue will be promoted. A Legal Agreement will be conducted in relation to Transport Infrastructure.

Links

[Policies and guidance for this application](#)

LPRW, RWE1, RWE2, RWE3, RWE4, RWE5, RWE6, RWE15, RWE20, RWE30, RWE31, RWE41, RWE42, RWE45, RWE46, RWED5, RWED10, RWED11, RWTRA1, RWTRA2, RWTRA3, RWTRA4, RWTRA5, RWTRA6, RWTRA7, LDPP, NSG, NSGD02, NSMDV, NSP, NSDCAH,

Report

Application for Planning Permission 15/00661/FUL At 1, 2, 3, 4 Edinburgh Airport Police Station, Almond Road, Edinburgh Airport Erection of hotel and associated facilities, car parking and landscaping (as amended).

Recommendations

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

Background

2.1 Site description

The site is within the urbanised area of the airport lying directly to the south of the airport's main terminal buildings, control tower and car park. The site is currently used as office buildings and associated car parking by Edinburgh Airport. The site is accessed from Almond Avenue to the south which comes off Almond Drive to the west. The site is level and has some existing vegetation. The Spitfire memorial sculpture sits on the northern perimeter of the site.

Almond Avenue to the south is privately maintained by Edinburgh Airport. It is an industrial cul de sac road which provides access to a series of small office and industrial units and several fenced compounds for car hire premises. The road currently has barriers in proximity to Almond Drive to prevent unauthorised vehicles accessing it. There is a turning circle located at the eastern end.

2.2 Site History

Planning permission was granted on 17 April 2012 for a 350 bed hotel (planning reference 10/01392/FUL). The application site for that proposal was larger, extending to Fairview Road in the south.

Main report

3.1 Description Of The Proposal

The proposal is for a 175 bed hotel arranged over 6 levels on the southern boundary of the site. The proposal would take a linear form and would be clad in aluminium rain screen cladding with concrete panels at ground floor, western red cedar cladding on the gable ends and sedum roof.

The ground floor would be used for the reception/welcome zone and fitness room.

Car parking is proposed to the west of the building.

Car parking provision	1 space per 2.5 rooms	75 spaces
Disabled spaces	5% of all spaces	4 spaces
Motorcycle	1 space per 20 rooms	9 spaces
Cycle	1 space per 10 rooms	18 spaces

A coach layby and a servicing area are also proposed.

The proposed hotel is within 400 metres walking distance to the airport terminal and bus stops. The airport Tram stop would be approximately 600 metres from the proposal.

Scheme 2

The revised site plan includes a covered walkway extending from the building entrance to the site boundary at Jubilee Road.

The applicant has included the following technical documents in support of the application; these are available to view on the Planning and Building Standards Online Services.

- Bream Strategy report;
- Ecology report;
- Energy and renewable feasibility report;
- Noise Assessment;
- Planning Statement;
- Pre Assessor Estimator;
- Tree Survey;
- Design and Access Statement;
- Flood Risk and Drainage Impact Assessment;
- Transport Assessment; and
- Archaeology Assessment.

3.2 Determining Issues

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 principle of hotel development is acceptable;
- b) the scale, design and height of the proposals are acceptable;
- c) the proposal would affect highway safety;

- d) the proposal would impact upon air quality;
- e) the proposal satisfies the sustainability criteria;
- f) the proposal has any implications for archaeology;
- g) the proposal would have an impact upon biodiversity;
- h) the proposal would have implications for flooding;
- i) the proposal would be affected by contaminated land;
- j) the proposal would impact upon neighbouring residential amenity; and
- k) the proposal would impact on equalities or human rights.

a) Principle

The principle of a hotel on the site was established with the granting of planning permission on 17 April 2012 for a 350 bed hotel (planning reference 10/01392/FUL).

National Planning Framework 3 supports the creation of successful places in Scotland, and aims to ensure that new development encourages a shift towards more sustainable modes of transport in order to achieve the CO2 reduction target desired by the Scottish Government. Enhancement of the gateway role of Edinburgh Airport will bring economic and connectivity benefits and hotels are specifically outlined as requiring a good level of accessibility to the airport terminal.

The requirement for appropriate levels of airport hotel accommodation at Edinburgh Airport is recognised in the Airport Masterplan (updated 2011) and the Rural West Edinburgh Local Plan Alteration (adopted 2011).

Edinburgh and Lothians Structure Plan 2015 policy ECON 4 encourages Local Plans to identify the boundaries of major established uses within the Green Belt and specify the land uses that would be appropriate within them.

The Rural West Local Plan 2006 and the Finalised Rural West Edinburgh Local Plan Alteration 2010 have interpreted this through policy ED 5 Edinburgh Airport Alteration 10 advises that:

"other airport related uses will only be permitted where it can be demonstrated that these have strong and direct functional and locational links with the airport and that all development proposals within the airport boundary should accord with the West Edinburgh Strategic Design Framework."

The applicants have justified in their planning statement the need for additional on-site airport hotel accommodation. The principle of a hotel in this location meets with the requirements set out in BAA's Masterplan and the National Strategic and Local Planning framework.

The location of the hotel is close to the airport terminal building and the tram route. Sustainable means of travel to the hotel are achievable.

The hotel site is also appropriate in terms of links to the Royal Highland Showground redevelopment to the south and the proposed International Business Gateway to the east.

The principle of the development is acceptable within the Green Belt subject to satisfying all other relevant policies of the Rural West Edinburgh Local Plan. The Second Proposed Local Development Plan identifies the site as within policy EMP4 Edinburgh Airport. All development within the airport boundary must accord with the West Edinburgh Strategic Design Framework.

b) The scale, design and height of the proposals are acceptable

The limited size of the site, together with existing landscaping and no build zones has restricted development opportunity in the site. The proposal takes advantage of the gateway position and would be significantly lower than the control tower. The external areas provide a formal landscaped forecourt and offer good pedestrian links to the airport terminal.

The hotel building is proposed to be six storeys in height. This is approximately two storeys higher than the airport terminal building and the multi storey car park. The building will be read as part of the terminal complex when viewed from long distances and also will work well at a pedestrian scale within the airport boundary. The views to the Airport Control Tower will be retained when approaching from the south.

The ceiling to floor heights within the hotel have been kept to a minimum, to ensure that the building is appropriate within its context. It is considered that the scale of the building builds upon the opportunities presented in the West Edinburgh Strategic Design Framework to create landmark buildings at key sites.

The elevational design of the block is a bold contemporary finish with aluminium rainscreen cladding panels. Acid etched precast concrete panels are proposed at ground floor level. The western red cedar timber panels proposed on the gable ends of the blocks provides a softening effect and picks up the window detail. The proposed canopy construction will assist in directing pedestrians to and from the airport terminal. The proposed common areas provide a parkland setting for the building and the spitfire.

Due to the proximity to the Airport, the Police has suggested a number of measures in the interests of public safety to be incorporated into the building during construction. It is recommended that the applicant takes these on board through Secure by Design.

The siting, design, height, scale and massing of the proposed hotel are acceptable.

c) Highway Safety

The application has been accompanied by a Transport Assessment. The assessment considers National and Local Planning Policy, Sustainable Accessibility and a Travel Plan Framework.

In accordance with Annex 2C of CEC Developer Contributions and Affordable Housing Guidance (February 2104) a developer contribution towards the Tram and the Transport Infrastructure Improvements to West Edinburgh will be required. The applicant has agreed that this will be achieved through an appropriate legal agreement detailed below.

In order to meet the mode share targets set out in the West Edinburgh Strategic Design Framework the applicant has prepared a Travel Plan Framework. This will include encouraging safe walking routes from the Hotel to the terminal building, encouraging staff enrolment in car sharing clubs and ensuring shower and locker facilities are provided to encourage active travel amongst staff to the development. The proposal lies in close proximity to bus and tram stops.

Under current Council policy the hotel should comply with zone 2 parking standards. This would allow for a total of 70 car parking spaces. The provision of 79 spaces to serve the proposal is considered an acceptable departure from this guideline.

The Transport Assessment demonstrates that the proposal will be accessible by a range of sustainable modes, will integrate well within the existing transport network and is in accordance with local and national transport planning policy requirements.

Transport raises no objection to the proposal subject to the applicant entering into a suitable legal agreement to:

- a. contribute the sum of £535,600 to the Edinburgh Tram (based on 175 bedroom hotel in Zone 1); and
- b. contribute the sum of £286,979 to transport infrastructure improvements (in line with the TISWEP contributions framework).

The applicant has agreed to this approach based upon staggering payments.

The proposal will result in the need for a Stopping Up Order of Almond Avenue under section 207 of the Planning Act, a financial contribution to the legal agreement will be required.

In conclusion the proposal will be accessible by a range of sustainable modes of transport, will integrate well within the existing transport network and is in accordance with local and national transport planning policy requirements.

d) Air Quality

The applicant has submitted an Air Quality Statement to the satisfaction of Environmental Assessment. The study makes comparisons to the work carried out for the application for the 350 bed hotel with 313 car parking spaces approved in 2012. The proposed hotel will have 76% less car parking spaces and will have 50% less bedrooms than the approved scheme thereby encouraging public and staff to use public transport.

In 2013 the Council established an Air Quality Management Zone for Glasgow Road. The hotel will be located around 1.5km from the AQMA and the report concludes that the impact upon air quality in this location and to the nearest residential property on Eastfield Road would be negligible; this is largely attributed to the reduction in car parking spaces over the approved scheme. Environmental Assessment supports the use of sustainable transport and support the level of car parking proposed. In addition Environmental Assessment encourages the applicant to introduce electrical vehicle charging points. An informative is proposed to achieve this. Environmental Assessment advise that any new heating units must comply with the Clean Air Act 1993 and that Environmental Assessment will not support the use of biomass.

e) Sustainability

The applicant has submitted a sustainability statement in support of the application, Energy and Renewable Feasibility Report and a BREEAM Strategy Report.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	20	30
Total points	70	80

The points where the application does not meet the full score for the essential criteria relates to the promotion of recycled materials and reducing site waste. The applicants have submitted a BREEAM Strategy Report with respect to these criteria. The strategy predicts that approximately 71 % the construction materials to be used on site will come from a recycled source. Overall the results of the BREEAM rating show the hotel could reach the excellent level.

In addition, the applicant has provided a commitment to further sustainability measures including: the inclusion of green roofs or living walls and ensuring all timber is sourced from a local source.

The Energy and Renewable Feasibility Report concludes that the proposal will meet section 6 of the Scottish Building Standards.

The proposal meets the necessary sustainability criteria.

f) Archaeology

An archaeological desk based assessment was submitted with the application. No sites of potential archaeological interest are known to exist within the development area. The report concludes that any surviving remains are likely to be isolated and possibly truncated due to modern landscaping and construction activities.

The City Archaeologist therefore recommends that a programme of archaeological works is undertaken prior to development. In essence this will see a phased archaeological programme, the initial phase being a 10% archaeological evaluation of the site at the earliest opportunity. The results of which would allow for the production of appropriate mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains. A programme of archaeological works will be secured by a planning condition.

The City Archaeologist is keen to secure the protection of the Memorial Spitfire within the site. This will be achieved through a planning condition.

g) Landscaping

An ecological survey carried out confirms that the habitats present within the site are of low nature conservation and ecological value. In accordance with the WESDF, the proposed development provides an opportunity to enhance the nature conservation value of the site through the creation of new habitats including new native planting. The proposal has provided indicative drawings to show the areas where planting can take place, out with the no build zone which contains HV and fibre optic cables that run to the terminal building and control tower.

The applicant will be required to submit a detailed landscaping plan that meets with the objectives of the West Edinburgh Strategic Design Framework whilst satisfying CAA.

h) Flooding

The site sits to the north of an area of land identified as Important for Flood Management. The application was accompanied by a Flood Risk. SEPA are satisfied with the revised information submitted and have removed their original objection. A SUDs scheme will be required to meet compliance with BAA. CEC Flooding Team have raised issues which require agreement from BAA and further details regarding microdrainage. It is concluded that these matters can be agreed by condition and do not prevent the development receiving planning consent.

i) Contaminated Land

The applicants have submitted a geo-Environmental Assessment which has been assessed by Environmental Assessment who confirms that the report is sufficient to determine the land to be in a condition that is suitable for the proposal and that there is no further requirement for supplementary works or any associated planning conditions to assess risks from any land contaminants.

j) Amenity

The proposal is not in close proximity to residential properties and therefore will not give rise to overshadowing or overlooking of residential properties. The applicant has submitted a supporting noise impact assessment to establish what level of mitigation will be required to ensure that transport can be adequately mitigated. The noise impact assessment has identified a minimum level of acoustic glazing required to ensure a good level of amenity will be provided and reduce the likelihood of complaints from occupants. This mitigation measure is recommended by condition.

k) Human Rights Impact

The development will improve the immediate environment and introduce a hotel in close proximity to the airport and public transport routes. The proposal is a public building and as such will need to comply with Building Standards to ensure public accessibility for all. Car parking spaces for disabled customers will be provided. Consequently there are no significant issues that require action. An Equalities and Rights Impact Assessment has been completed.

Conclusion

In conclusion the proposal complies with the development plan. The principle of hotel use is acceptable at this location. The design, scale and layout are appropriate for the site and the development would not impact upon residential amenity. Transport implications can be dealt with via an appropriate legal agreement. The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:
 - monitoring of any standing water within the site temporary or permanent;
 - sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>);
 - management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached;
 - reinstatement of grass areas;
 - maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow;
 - which waste materials can be brought on to the site/what if any exceptions e.g. green waste;
 - monitoring of waste imports (although this may be covered by the site licence)- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste;
 - signs deterring people from feeding the birds; and
 - The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

2. No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks;
- grassed areas;
- the species, number and spacing of trees and shrubs;
- details of any water features;
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/policy-safeguarding.htm>); and
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

3. Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with BAA Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:

- Attenuation times;
- Profiles & dimensions of water bodies; and
- Details of marginal planting.

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

4. 'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

5. No development shall take place on the site until the applicant has submitted to CECAS and the Planning Authority for approval a conservation strategy/plan for the protection of the gate-guardian memorial during development.

6. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
7. Prior to the commencement of works on site, details of access to and space for waste management facilities, including recycling, shall be submitted to and approved in writing by the Head of Planning and Building Standards. Thereafter, the requirements agreed shall be implemented to the satisfaction of the Head of Planning and Building Standards, prior to the occupation of the development hereby approved.
8. Prior to the commencement of works The Flood Risk Assessment and Drainage Impact Assessment (dated July 2015 ref 14070) shall be updated to the standard set out in CEC Flood Guidance Summary of 2014, to the satisfaction of the Head of Planning and Building Standards.

Reasons:-

1. It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place.

The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

2. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.
3. To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

4. In order to safeguard the interests of archaeological heritage.
5. In order to safeguard the interests of archaeological heritage.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. To ensure satisfactory drainage of the site.

Informatives

It should be noted that:

1. Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)
2. The applicant is advised that the conclusion of the site investigation is made on the basis of the information supplied by the applicant and should not be interpreted to mean the land does not contain contaminants. Should unreported ground conditions that may indicate the potential presence of contamination be encountered at any stage of any future works on site, Environmental Assessment should be notified immediately and an experienced environmental consultant appointed to investigate the ground conditions.
3. 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.

Note that a stopping up order under Section 207 of the Town and Country Planning (Scotland) Act 1997 is required for the stopping up of roads within the site.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

In accordance with The Planning etc (Scotland) Act 2006, the applicant submitted a Proposal of Application Notice to the City of Edinburgh Council. This was registered on 4 Nov 2014 application reference 14/04658/PAN.

A public exhibition was held on 25 November 2014 at Norwood Community Centre, Ratho Station. The exhibition provided information on the emerging proposals and provided interested parties with an early opportunity to comment.

The applicant has submitted a Pre-Application Consultation report which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Portal.

The report notes that there was very little public interest in the exhibition. A representative of the community council attended the consultation and was of the opinion that the proposed development would be beneficial for the further development of the airport as well as creating more job opportunities for local residents and as such had no objections to the proposal in principle.

8.2 Publicity summary of representations and Community Council comments

The application was advertised in the Edinburgh Evening News on 6 March 2015. No letters of representation have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

National Planning Framework 3 (2015) guides Scotland's development to 2030, it is a material consideration in the determination of the planning application. The Framework promotes strategic airport enhancements.

The West Edinburgh Planning Framework (2008) "supports a high quality hotel subject to operational requirements, satisfactory road access and connection to walking, cycling and public transport networks."

Rural West Edinburgh Local Plan (2006) and the RWELP Finalised Local Plan Alteration (2010), and The Edinburgh Design Guidance are also of relevance to this application.

The second proposed Edinburgh Local Development Plan EMP4

The West Edinburgh Strategic Design Framework sets out strategic design principles to guide the expansion of the airport, the relocation of the Royal Highland Centre, the development of the new International Business Gateway and housing led regeneration in Newbridge and Ratho Station.

The Airport Masterplan, produced by BAA, was adopted in 2011 and identifies the economic contribution of the Airport to Scotland and the need for additional hotel accommodation within the airport boundary. The masterplan makes reference to the previously approved 350 bed hotel on the application site as helping to meet hotel bedspace.

Date registered

26 February 2015

Drawing numbers/Scheme

1, 2a, 3-14, 15a, 16,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Paton, Senior Planning Officer

E-mail: jennifer.paton@edinburgh.gov.uk Tel: 0131 529 6473

Links - Policies

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

Policy E1 seeks to prevent development which would be inconsistent with local plan objectives for sustainable development.

Policy E2 states that development proposals affecting Air Quality Management Areas (AQMA's) should not impede the achievement of National Air Quality Objectives.

Policy E3 encourages all new development proposals to incorporate features in their design and layout to maximise energy efficiency and minimise waste.

Policy E4 states that development proposals should fully take into account the likely effects on the environment and include measures to mitigate any adverse effects.

Policy E5 states that in order to protect the landscape quality, rural character and amenity of the Green Belt and countryside areas, development will be restricted.

Policy E6 states that where acceptable in principle, development proposals in the Green Belt or countryside must meet the criteria which aim to achieve high standards of design and landscaping.

Policy E15 seeks to ensure the survival and retention of healthy mature trees as part of development proposals. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

Policy E20 says that outwith the area identified in policies E17 and E18, the Council will seek to maintain and improve the nature conservation and biodiversity value of the countryside when considering development proposals.

Policy E30 says that any planning application affecting a site of archaeological significance will require an archaeological field evaluation to be undertaken in consultation with the Council's Archaeologist.

Policy E31 says that the Council will seek to negotiate management agreements with landowners of archaeological sites to provide for their future preservation and where appropriate for access and interpretative facilities.

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

Policy E45 says that as a general principle all new residential and business development should be designed to avoid or manage any threat to susceptible properties from a 200 year flood.

Policy E46 states that planning applications should demonstrate that proposals will not result in a significant increase in surface water run-off relative to the capacity of the receiving water course in flood risk areas.

Policy ED5 supports proposals for the development and enhancement of Edinburgh Airport inside the boundary defined on the Proposals Map where consistent with an agreed Edinburgh Airport Masterplan.

Policy ED10 says that within the local plan area the height and detailed design of buildings will be controlled to ensure that airport operations and aircraft movements are not inhibited.

Policy ED11 says that proposals for new or improved visitor tourist facilities will be supported provided they meet the criteria listed. Within the boundaries of Edinburgh Airport, the Royal Highland Centre and the International Business Gateway, hotel development will be supported provided proposals accord with the West Edinburgh Strategic Design Framework and are consistent with an approved Master Plan.

Policy TRA1 says that development with the potential to generate significant levels of personal travel should be located on sites which minimise the need to travel and are easily accessible by foot, cycle or public transport.

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling.

Policy TRA3 says that a transport assessment will normally be required for significant development proposals.

Policy TRA4 says that development proposals should make specific provision for the needs of cyclists and pedestrians and provide convenient and safe access to existing or proposed networks where practicable.

Policy TRA5 says that the Council will support traffic management measures which seek to create a safe and attractive environment, particularly in towns and village centres and residential areas.

Policy TRA6 says that the Council will support the development of a comprehensive network of cycle and pedestrian routes, including on-road provision and off-road cycleways and footpaths.

Policy TRA7 says that development proposals should be laid out and designed to allow public transport to be as accessible as possible.

Relevant policies of the Proposed Local Development Plan.

Relevant Non-Statutory Guidelines

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 and landscape, in Edinburgh.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Appendix 1

Application for Planning Permission 15/00661/FUL At 1, 2, 3, 4 Edinburgh Airport Police Station, Almond Road, Edinburgh Airport Erection of hotel and associated facilities, car parking and landscaping (as amended).

Consultations

Edinburgh Airport comment

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the condition/s detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- *monitoring of any standing water within the site temporary or permanent*
- *sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- *management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached*
- *reinstatement of grass areas*
- *maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- *which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- *monitoring of waste imports (although this may be covered by the site licence)-*
- physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- *signs deterring people from feeding the birds.*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place.

The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of Landscaping Scheme

No development shall take place until full details of soft and water landscaping works have been submitted to and approved in writing by the Planning Authority, details must comply with Advice Note 3 'Potential Bird Hazards from Amenity Landscaping & Building Design' (available at <http://www.aoa.org.uk/operations-safety/>). These details shall include:

- any earthworks*
- grassed areas*
- the species, number and spacing of trees and shrubs*
- details of any water features*
- drainage details including SUDS - Such schemes must comply with Advice Note 6 'Potential Bird Hazards from Sustainable urban Drainage Schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- others that you or the Authority may specify and having regard to Advice Note 3: Potential Bird Hazards from Amenity Landscaping and Building Design and Note 6 on SUDS].*

No subsequent alterations to the approved landscaping scheme are to take place unless submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of birds and an increase in the bird hazard risk of the application site.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS). The submitted Plan shall include details of:

- *Attenuation times*
- *Profiles & dimensions of water bodies*
- *Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

We would also make the following observations:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>)

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Archaeology comment

As detailed in the Archaeological Assessment produced by Oxford Archaeology in response to this application the site lies on the southern boundary of the present day Edinburgh Airport constructed on across the western boundaries of the former RAF Turnhouse. RAF Turnhouse was open in 1915 and continued in service throughout the Cold War though in 1966 it had become a domestic airport. The base played an important and historic role in WWII, with planes from 2 RAF volunteer reserve Squadrons stationed here were credited with the first kills on UK soil by the RAF during this conflict.

In addition recent archaeological evidence has demonstrated that River Almond Valley and the surrounding Newbridge and Gogar areas in which this site lies have been extensively occupied for over 5000 years. The main focus of this settlement would appear to be the high ground and river banks either side of the river and the nationally

important ritual complex of Huly Hill at Newbridge. Additionally the Cat Stane and its associated 6-9th century burial ground located within the airport itself, adjacent to the River Almond and main airport runway, further support the evidence that the site occurs within an area of archaeological potential.

This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Rural West Edinburgh Policy E30. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology

As stated in the accompanying Desk-based assessment compiled by Oxford Archaeology, the site although affected by modern development has a moderate potential for containing significant archaeological remains relating to earlier medieval and prehistoric activity, though probably low potential for later medieval and WWII remains. I concur with the reports assessment that any surviving remains are likely to be isolated and possibly truncated due to modern landscaping and construction activities.

Accordingly it is recommended that a programme of archaeological works is undertaken prior to development. In essence this will see a phased archaeological programme, the initial phase being a 10% archaeological evaluation of the site at the earliest opportunity. The results of which would allow for the production of appropriate mitigation strategies to be drawn up to ensure the protection and/or the excavation and recording of any surviving archaeological remains.

It is recommended that that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken prior to construction.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Gate-Guardian Memorial

It is to be welcomed that adjacent RAF Gate-guardian memorial (replica Spitfire) situated on Jubilee Road is to be retained in situ within an enhanced setting as a focal point for the development. It is however essential in order to avoid accidental damage during development that a mitigation strategy is submitted to CECAS which describes how this important memorial will be protected.

It is recommended that that the following condition is attached to this consent to ensure that this is undertaken prior to construction.

'No development shall take place on the site until the applicant has submitted to CECAS and the Planning Authority for approval a conservation strategy/plan for the protection of the gate-guardian memorial during development.'

SEPA comment

We object to this application on the grounds of lack of information on potential impacts to the water environment. Please see sections 2.1 and 2.2 below. We would be happy to meet you and the applicant to discuss the issues we have raised.

Advice for the planning authority

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we would expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

1.2 We provided comments to you on this proposal on 09 December 2014 (our reference: PCS/137238) in response to your request for pre-planning advice. We noted that the site was adjacent to the Flood Map. We did not hold any additional information, however, on flooding of the site but we stressed that flooding to a nearby hotel occurred in 2000. We strongly recommended that existing ground levels were retained and finished floor levels were elevated above existing ground levels to reduce the risk of flooding.

1.3 A basic Flood Risk Assessment (FRA) has been submitted in support of the application. The FRA uses SEPA Flood Maps to determine flood risk which is contradictory to their terms of use and is not a suitable methodology for a site specific assessment. It is clearly stated in the terms and conditions (which have to be accepted before viewing the map) that: "You may use the Flood Maps for your personal use only. The Flood Maps cannot be used for or related to any commercial, business, professional or other income generating purpose or activity, nor by value added resellers. You must not copy, assign, transfer, distribute, modify, create derived products or reverse engineer the Maps in any way."

1.4 We would stress that although we noted flooding to the nearby hotel in 2000 we did not state that the site did not experience any flooding. We do not hold any records of flooding at the site. Because SEPA does not have a record of a flood event does not mean there has been no flood event.

1.5 A flood study was undertaken in 2008 by Black and Veatch and the output has been provided in this FRA. Black and Veatch have advised that this is their most up to date model. The tram works, however, may have altered the topography and existing flood risk. Hence, the flood levels provided should be treated with caution.

1.6 Section 4.4 investigates flood risk from groundwater. We are not clear why Midlothian Council has been quoted as this area is not in the Midlothian Council area.

1.7 The digital elevation model and topographic survey indicate the site is greater than 31mAOD. The existing ground levels where the hotel will be located is approximately 31.5mAOD or greater.

1.8 The recommended finished floor level is 31.27mAOD which provides a 600mm freeboard above the 1:200 year flood level incorporating an allowance for climate change. This section (5.1.1) also recommends a minimum of 150mm above ground level to convey any overland flows safely away from the development.

1.9 Due to the uncertainty associated with the flood risk to the site which stems from an out of date FRA and inappropriate use of the SEPA Flood Maps, we strongly recommend that ground levels are not significantly altered to enable development. This reiterates what we advised in our pre-planning comments. Building on existing ground levels and incorporating a sufficient freeboard (we would suggest that 150mm freeboard above ground level is too low) into the hotel design would reduce any residual flood risk. As car parks are low vulnerability we would recommend that this area maintains existing ground levels. We also mentioned in our pre-planning response that flood resistant and resilient measures should be considered during construction of the hotel. Further information can be found in PAN 69 paragraphs 85-100.

1.10 Should you require additional information for a fuller understanding of flood risk to the site we would require an FRA which takes into account existing topography, including such changes since 2008 as the tram works.

1.11 It is worth noting that the proposal to divert the Gogar Burn remains on-going and you should be satisfied that this development will not affect or be affected by any future diversion. Please also see 2.1 below in relation to the Gogar Burn.
Continued...

2. The Water Environment

2.1 We consider clarification is needed on how this proposed development relates to Proposal GS 7 'Diversion of the Gogar Burn' in Edinburgh Council's Second Proposed Plan June 2014 and the objectives for River Basin Management Planning (RBMP). Further information on the potential for this proposed development either to compromise or to help deliver Proposal GS 7 and RBMP objectives is required. This information should also address any potential to increase flood risk at this site. Please see 1.11 above.

2.2 The documentation supporting this application proposes that surface water will be discharged to the "sewer". Clarification is needed on whether this sewer is:

- o Scottish Water's combined sewer;
- o Scottish Water's "surface water only sewer" (which ultimately will discharge to a watercourse); or
- o the airport's own sewer.

2.3 The proposal for roofs, roads and parking treated with permeable paving with granular sub base is acceptable. Our advice on Sustainable Urban Drainage Systems (SUDS) depends, however, on the sewer to which the surface water ultimately drains. Clarification on which sewer will be used for surface water drainage is also needed before we can advise you on what SUDS are appropriate for this site.

SEPA - 17 June 2015

Thank you for your consultation which SEPA received on 04 June 2015. The consultation is on further information supplied by the applicants to address issues raised by SEPA among others. Please see our response of 20 March 2015, our reference PCS/138872.

We still require one point of clarification before we can review our objection on the grounds of lack of information on potential impacts to the water environment. Please see section 1.2 below. Please also note our advice on flood risk at section 2.

Advice for the planning authority

1. The Water Environment

1.1 The surface drainage proposals are acceptable to SEPA, provided the sub-base of the porous paving is a minimum of 0.5m in depth and constructed in accordance with the CIRIA manual, as the car parking and hardstanding will receive two levels of treatment and the run-off from the roof will receive one level of treatment in the porous paving with granular sub-base. The surface water drains to the airport's own surface water sewer which will drain to a watercourse as shown in Appendix C.

1.2 With regard to the foul drainage, the applicant should confirm where the foul drainage is directed as this is unclear from the report. Appendix H shows both a septic tank and Newbridge Waste Water Treatment Works. When following the line of the sewer on the drawing, the sewer appears to pass through the septic tank, and continue on toward, yet fall short of, Newbridge Waste Water treatment works.

2. Flood Risk

2.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake their responsibilities as the Flood Prevention Authority.

2.2 We previously provided comments on this proposal at the pre-planning stage advising the applicant of historic flooding and recommending existing ground levels were retained and finished floor levels were elevated above existing ground levels to reduce the risk of flooding. We commented again when consulted on the planning application and, although we did not object, we provided comments on the Flood Risk Assessment (FRA).

2.3 We would reiterate that a flood study was undertaken in 2008 by Black and Veatch and the output has been provided in this FRA. Black and Veatch have advised that this is their most up to date model. The tram works, however, may have altered the topography and existing flood risk. The flood levels provided should, therefore, be treated with caution.

2.4 The minimum finished floor level is 31.27mAOD which provides a 600mm freeboard above the 1:200 year flood level incorporating an allowance for climate change. This Section (5.1.1) also recommends a minimum of 150mm above ground level to safely convey any overland flows away from the development.

2.5 Due to the uncertainty associated with the flood risk to the site which stems from an out of date FRA and complex hydrology, we would strongly recommend that ground levels are not significantly altered to enable development. This reiterates what was stated in our previous comments. Building on existing ground levels and incorporating a sufficient freeboard into the hotel design would reduce any residual flood risk. As car parks are low vulnerability we would recommend that this area maintains existing ground levels.

2.6 We reiterate that should the City of Edinburgh Council require additional information to understand more fully the flood risk to the site we would require an FRA which takes into account existing topography taking into account any changes since 2008 e.g. tram works.

2.7 It is worth noting that the proposal to divert the Gogar Burn remains on-going and hence the City of Edinburgh Council should be satisfied that this development will not affect or be affected by any future diversion. The updated report does mention that any realignment would take place away from the proposed development.

Detailed advice for the applicant

3. Flood Risk

The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit http://www.sepa.org.uk/flooding/flood_maps.aspx.

Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice

you need for a specific regulatory matter, please contact a member of the operations team in the local SEPA office.

SEPA - 22 June 2015

I am writing in response to the email of 19 June 2015 (copied below) from Ian Kettlewell of nlpplanning which was sent as a response to our request for clarification on where foul drainage is directed for the development proposed in planning application 15/00661/FUL. Please see our response of 17 June 2015, our reference PCS/140692, attached.

While it seems to us that it is an unorthodox arrangement, routing through the septic tank, we consider this is an issue for CEC's Building Control not SEPA.

We are able to remove our objection on the grounds of lack of information.

Economic Development

Background

The proposed development consists of 0.67ha of previously developed land which was formerly used as a car rental centre and former police station with associated car parking. Planning permission was previously granted on this site in April 2012 for a proposed 350 bed hotel, on site car parking and landscaping, together with associated infrastructure works (10/01392/FUL).

The proposed development is located at the gateway to Edinburgh Airport and within 8 miles of Edinburgh's City Centre. Given the site of the proposed development's proximity to the terminal building, the site is well served by public transport.

The principle of hotel development at the proposed site is supported by the West Edinburgh Planning Framework and the Local Development Plan (Local Plan Policies ED1 & ED11). It is also supported by the current (2011) Airport Masterplan.

According to the Developers - Ability Hotels (Edinburgh) Ltd, the proposed development will consist of:

- o The development of a 175 bedroom hotel designed to create a gateway building in a prominent location on a key route into Edinburgh Airport;*
- o A guest car parking area with 75 car parking spaces;*
- o Vehicular access to the site via Almond Avenue; and*
- o Associated hard and soft landscaping around the site.*

Edinburgh Airport has benefitted from a surge in traveller numbers - 9.78m passengers since 2013, an increase of 6.3% on 2012 figures - arising from a number of new routes and services. Currently there are only two hotels within a mile of the Airport.

Strategy for Jobs

Edinburgh's economic strategy "A Strategy for Jobs 2012-2017" aims to achieve sustainable economic growth through investment in jobs. Supportive investment in the city's development and regeneration is one of four programmes for job creation outlined in the strategy.

The Economic Development Service welcomes the potential for job creation associated with the proposed development.

Based on figures supplied by the Developer, the proposed development could be expected to directly support approximately up to 50 new permanent jobs. In addition, it is expected that the proposed development will support approximately 176 direct construction jobs and a further 266 indirect jobs per construction year.

The Economic Development Service encourages developers to work directly with the city's Joined Up for Business partners in order to unlock employment opportunities and satisfy tailored skills requirements for each site. The Economic Development Service would therefore welcome engagement with the applicant, their appointed developer and the end-users to allow detailed consideration of potential jobs and training opportunities associated with the proposal. Such an approach would allow time to prepare potential candidates from within the city's priority groups, including young people.

Given the points outlined above and in recognition of the proposal's alignment with a range of economic development strategy objectives, the Economic Development Service supports the proposals outlined in planning application 15/00661/FUL.

Environmental Assessment comment

The proposed site is located on Almond Avenue, adjacent to the boundary of Edinburgh International Airport and approximately 150 m to the southeast of the Airport Terminal building. Access to the proposed hotel will be from Almond Avenue. Currently the site is occupied by a former police station and car rental buildings, as well as a small car parking area. The area surrounding the site is predominantly commercial with airport offices located 50 m to the northwest, the Hilton Hotel 150 m to the east and a cluster of residential properties approximately 200 m to the south along Eastfield Road.

The applicant proposes developing a hotel consisting of 175 rooms with associated parking for 75 vehicles. Environmental Assessment have commented on a similar application for this site however the boundary of this application has reduced in size to just include the northern half of the previously consented application.

Environmental Assessment raised concerns regarding this application. The main issues which required further information was noise, local air quality and contaminated land. The applicant has submitted supporting information which has been assessed by Environmental Assessment.

Noise

The applicant has submitted a supporting noise impact assessment to establish what level of mitigation will be required to ensure that transport noise can be adequately mitigated. The noise impact assessment has identified a minimum level of acoustic

glazing required to ensure a good level of amenity will be provided and reduce the likelihood of complaints. This mitigation measure will be recommended as a condition.

Air Quality

In 2010, an air quality assessment to support a planning application for a larger 350 room hotel with associated parking for 313 vehicles was carried submitted for the same site and consented. The air quality assessment concluded that the potential air quality impacts would be negligible. The applicant has submitted an updated and the conclusion remains unchanged which is expected due to the reduced number of parking spaces.

Although it should be noted that Environmental Assessment has concerns regarding poor air quality on the A8 corridor. This is the nearest of the declared Air Quality Management Areas (AQMA) in Edinburgh to the proposed development site which is located approximately 1.5 km to the southwest. This AQMA was declared in 2013 and encompasses a section of the A8 between Newbridge Roundabout and Ratho Station. The date this AQMA was declared post dates the previously consented hotel.

The main source of poor air quality in this area is derived from traffic emissions, therefore it is essential that the concept of sustainable travel be adopted when considering new developments, especially those in locations where there are existing air quality issues. The location of this proposed development is adjacent to excellent public transport facilities for example, Ingliston Park and Ride and a regular Airport bus service to and from the city centre and a tram also provides a direct link to the airport and city centre. Environmental Assessment would support the level of parking conforming to the December 2009 parking standards for a 175 hotel bedroom development in this location.

Environmental Assessment encourages the applicant to keep parking numbers to a minimum and make provisions for electric vehicle (EV) charging. Environmental Assessment also advises that the applicant that any new heating units must comply with the Clean Air Act 1993 and that Environmental Assessment will not support the use of biomass.

It is highlighted in Edinburgh's Local Transport Strategy 2014-2019 that the Council seeks to support increased use of low emission vehicles and support the extension of the network of EV charging points.

The City of Edinburgh Parking Standards for Development Management also now encourages the use of EVs. It states that the Council is likely to introduce a requirement for EV charging infrastructure which depends on how charging technology evolves this includes:

- o Dedicated parking spaces with charging facilities.*
- o Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Developers should now consider the potential for EV charging as they develop their proposals. Based on currently available technology

Environmental Assessment recommends that at least one Electric vehicle charging outlet should be of the following standard which is capable of charging most electric vehicles in approximately 20 minutes:

70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

It should be noted that support is available to developers to adopt EV's through the Energy Saving Trust's Sustainable Transport Advice Service and Interest Free Low Carbon Loans.

Grants are also available for the installation of EV charge points for workplaces, with 100% funding currently available for installations up to £10,000. More information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

The applicant should commit to installing EV charging points and provide details of where they will be located development plans.

Contaminated Land

The applicant has submitted a geo-environmental assessment which is currently being assessed by Environmental Assessment. Until this has been completed Environmental Assessment recommends that a condition is attached to ensure that contaminated land is fully addressed.

Therefore Environmental Assessment do not object to this application in regards to local air quality subject to the following being included as a condition or legal agreement;

1. Prior to the commencement of construction works on site:

- (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning*

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. The following noise protection measures to the proposed hotel, as defined in the Sharps Redmore 'Noise Assessment' report (Ref 1414755), dated 27 January 2015:

- Glazing units with a minimum insulation value of 6/12/6mm double glazing should be installed for the external doors and windows of the bedrooms.

Shall be carried out in full and completed prior to the development being occupied.

Informative:

1. The electric vehicle charge points required should be installed in accordance with Transport Scotland's 'Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles' (2013). In particular the charge points should include a 70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. The DC charge should be delivered via both JEVs G105 and 62196-3 sockets and the AC supply by a 62196-2 socket. The outlet must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

2. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993.

Transport comment

We have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to:

a. contribute the sum of £535,600 to the Edinburgh Tram (based on 175 bedroom hotel in Zone 1);

b. contribute the sum of £286,979 to transport infrastructure improvements (in line with the TISWEP contributions framework);

2. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Note:

Current Council parking standards for hotel development in this area are assessed on merit using Zone 2 standards as the starting point. Zone 2 standards require a maximum of 70 spaces for 175 bedroom hotel. The proposed parking provision is 79 spaces which is considered acceptable.

Environmental Health - Contaminated Land

I refer to the following ground investigation report that was supplied for consideration with reference to the above subject proposal:

I can confirm the report is altogether sufficient to enable this Department to determine the land to be in a condition that is suitable for the proposal and that there is no further requirement for supplementary works or any associated planning conditions to assess risks from any land contaminants.

It should however be noted that this conclusion has been made on the basis of the information supplied by the applicant and should not be interpreted to mean the land does not contain contaminants.

Should unreported ground conditions that may indicate the potential presence of contamination be encountered at any stage of any future works on site, this Department should be notified immediately and an experienced environmental consultant appointed to investigate the ground conditions.

Flooding - 10 June 2015

With regard the Flood Risk Assessment and Drainage Impact Assessment (dated April 2013 ref:14070) in relation to this planning application the Flood Prevention Unit have the following comments:

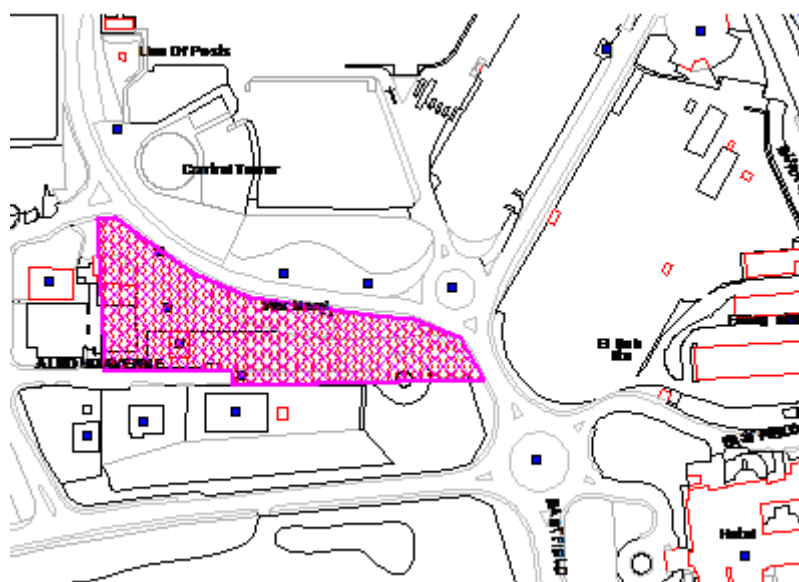
- 1. Section 4.2 refers to discussion with "drainage officers", which we assume is the CEC Flood Prevention Unit. We have not maintained a record of the referred to email and it was not included in the appendices of the report. However, we would not have stated that the site did not experience flooding during the April 2000 flood event, instead we would have stated that we have no record of flooding of this site during the April 2000 flood event. Since CEC does not have a record of flooding it does not mean there has been no flood event. If you are referring to our information please revise the report, if you are not referring to information provided by us please clarify the source.*
- 2. The surface water system has been designed with discharge of 12.4 l/s based on minimum sized control. The minimum sized control stated in Sewers for Scotland 2 is 75mm and with vortex flow control a much reduced discharge is possible. Therefore we wish the allowable discharge is reconsidered to meet the Greenfield runoff requirement as stipulated in our attached flood guidance summary. When revising the calculations please use FSR Rainfall Model - Scotland and Ireland and not England and Wales. Please include the Microdrainage pipe surcharge report and have the pipes inverts set to the correct elevation above ordinance datum. The nodes should be cross-referenced to the drainage drawing to enable interpretation. The results should include the 30yr, 200 year and 200 yr plus climate change results. Please identify the allowance made for climate change. Should the model identify flood or flood risk in the system then drawings will be required to indicate where exceedence flow will be directed, how it will be contained and lastly how it will be drained once the event has subsided.*
- 3. The report states the surface drainage is to be connected to the existing BAA system. Please provide a letter from BAA confirming they approve this connection.*

4. The report states that the car park will be used for storage above 30 year return period using sleeping policemen to contain the water. Please demonstrate in the revised Microdrainage calculations that the system will first flood from a manhole within the car park. Please include the drainage layout on the plan identifying the flooding manhole. Please also identify the kerbs and sleeping policeman on the drawings, including the general arrangement drawings. If the roads are to be adopted then the design and inclusion of these sleeping policemen will need to be in acceptance with RCC and if this cannot be achieved alternative mitigation would be required.
5. The report does not contain pre and post development flow paths, which is required in our flood guideline summary. Please also identify on the plan the dry access and egress from the hotel for pedestrians to use to access Almond Avenue when the car park is flooded.
6. A full health and safety risk assessment should be undertaken with regards to the use of the car park as a flood storage area. Signs altering the public would be advised.

Flooding - July 2015

In this particular instance we will accept a condition to ensure appropriate updates to the Flood Risk Assessment and the Drainage Impact Assessment are carried out.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Advert Consent 15/01410/ADV
At Proposed Advertising Hoarding Near Angle Park Terrace,
West Approach Road, Edinburgh
Erect new Premiere 450 back-lit advertising hoarding.**

Item number	5.2
Report number	
Wards	A07 - Sighthill/Gorgie

Summary

The proposals comply with Regulation 4(1) of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984. The proposals are acceptable in terms of the interests of amenity and public safety and there are no material considerations that outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITD1, NSADSP,
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Report

Application for Advert Consent 15/01410/ADV At Proposed Advertising Hoarding Near Angle Park Terrace, West Approach Road, Edinburgh Erect new Premiere 450 back-lit advertising hoarding.

Recommendations

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

Background

2.1 Site description

The site comprises a grass verge, part of the central reservation of the Western Approach Road, ninety metres to the east of the bridge junction with Dundee Street and just east of the Dalry Road spur.

Business uses lie to the south and east, including the Fountain Park Leisure complex. A mature tree belt is situated to the north, with open space and residential uses beyond.

The site currently has consent for a digital cantilever sign.

2.2 Site History

24 November 2014 - 48 sheet double sided scrolling, landscape format cantilever sign, approved on same site (14/03269/ADV).

3 June 2015 - An application for a portrait style advertisement on the other side of the embankment facing the east carriage into the city was approved by the Development Management Sub-Committee (15/2004/ADV).

Main report

3.1 Description Of The Proposal

The approved display would be superseded by a concrete column mounted back lit 450 portrait style, single sided display measuring 7.45m x 5m, internally illuminated by LED. It would be mounted on a 2.2m high concrete pedestal. The display would be orientated to the east to face approaching traffic and has been set forward 15m further east towards the city centre, in the revised drawings.

Scheme 1- Portrait style advertisement panel but 15m further west towards the bridge and 0.8 metre higher (up to 3m high pedestal).

3.2 Determining Issues

Do the proposals affect the amenity of the locality? In the determination of the suitability of the site for the display of advertisements, the Planning Authority shall have regard to the general characteristics of the locality including the presence of any feature of historical, architectural, cultural or similar interest. The authority may disregard any advertisements displayed in the locality.

Do the proposals affect public safety? The Planning Authority shall in particular consider whether any such display is likely to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal, or aid to navigation by water or air.

3.3 Assessment

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

The advertisement display:

- a) would compromise local amenity;
- b) would adversely impact on public or highway safety;
- c) would have any equalities or human rights impacts; and
- d) comments raised have been addressed.

(a) Amenity

The proposal would substitute an approved 48 sheet rolling display screen in landscape format, rising to approximately 6 metres above ground level, mounted on a cantilever arm, with a new advertisement display in portrait format on a column, rising to approximately 9 metres in height, but set forward 15 metres from the previously approved position. The display would be positioned within a highway environment, with a level of commercial advertising evident in the locality. The non-statutory guidance states that: advertising by means of a pole mounted panel or display on a verge will only be considered in non-residential areas with a commercial backdrop. Whilst there are flats nearby these are either screened by trees or on the far side of intervening commercial development and will not be affected by the advertisement provided levels of light are limited at night time. A condition is recommended.

The height of the display has been reduced by 0.8m and the site set forward eastwards towards the bottom of the down ramp from Dundee Street road bridge at carriageway level in order to protect the skyline and prevent the sign rising above the surrounding land levels and embankments to the west with a back drop of mature trees. Long distance orientating views from the Dundee Street bridge of the city centre would only be in part obscured. It would not significantly impact upon local visual amenity because of these factors.

(b) Public Safety

Regulation 4(1) of the Town & Country Planning (Control of Advertisements) (Scotland) Regulations 1984 states that advertisement control shall be exercisable only in the interests of amenity and public safety.

Transport has advised it has no objections to the proposed display subject to an informative being applied regarding the intensity of illumination. There are no concerns regarding public or highway safety.

However, to ensure safety and in line with other similar advertisement consents across the city, it is recommended that static images only are displayed. A condition to secure this is recommended.

The proposal accords with requirements of Council guidance covering Advertisements, Sponsorship and City Dressing.

(c) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

(d) Public Comments

No representations have been received.

In conclusion, the portrait style advertisement is acceptable with its revised height and position and will not adversely impact on the skyline. It is acceptable in terms of the visual amenity of the locality and highway safety.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The advertisement shall be limited to a maximum lighting intensity of 75 candelas/sq.m at night and only static images are to be displayed.
2. Consent is granted for a period of five years from the date of consent.

Reasons:-

1. In the interests of public amenity and highway safety.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Informatives

It should be noted that:

1. The City of Edinburgh acting as Road Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.
2. This consent is for advertisement consent only. Work must not begin until other necessary consents, eg listed building consent, planning permission have been obtained.

Financial impact

4.1 The financial impact has been assessed as follows:

The Council has entered into a formal advertising and street furniture contract with JC Decaux Ltd that allows the company to explore new advertising opportunities on council-owned land and buildings. As a consequence of this and associated proposals it is expected that there will be an increase in revenue to the Council arising from large and small format advertising proposals.

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.

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

Not advertised. No comments received.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh City Local Plan - Central Area Proposal CA3,
Open Space Proposal OSR1.

Date registered

2 April 2015

Drawing numbers/Scheme

01B-02B; 03; 04A; 05B;06,

Scheme 3

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Duncan Robertson, Senior Planning Officer

E-mail:d.n.robertson@edinburgh.gov.uk Tel:0131 529 3560

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Non-statutory guidelines 'ADVERTISEMENTS, SPONSORSHIP AND CITY DRESSING' Provides guidance on proposals for advertisements, imposing restrictions on adverts on street furniture, hoardings, and at the roadside, and outlining the circumstances in which sponsorship, city dressing, banners and adverts on scaffolding should be acceptable.

Appendix 1

**Application for Advert Consent 15/01410/ADV
At Proposed Advertising Hoarding Near Angle Park Terrace,
West Approach Road, Edinburgh
Erect new Premiere 450 back-lit advertising hoarding.**

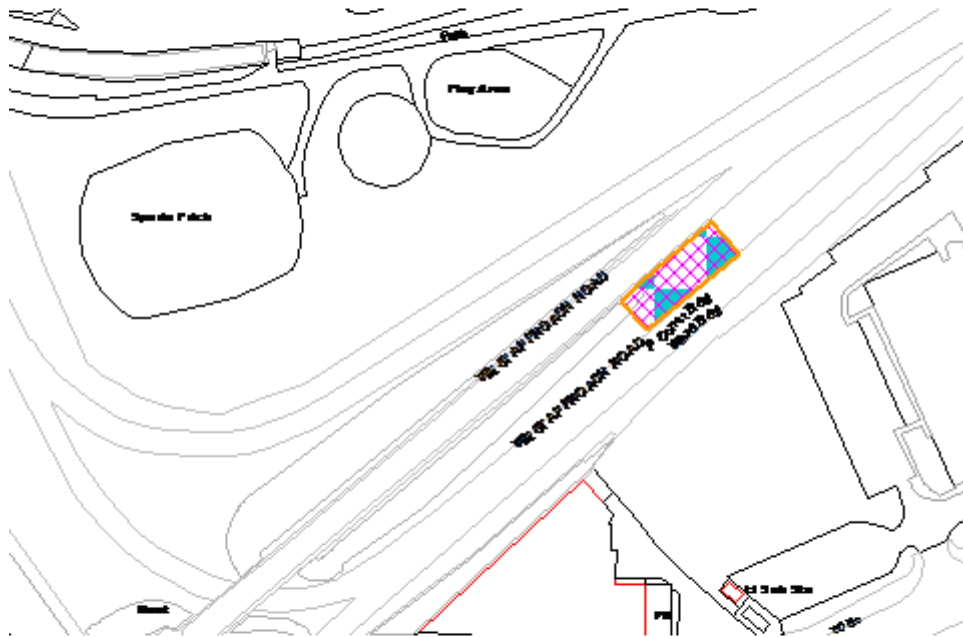
Consultations

Transport

No objections to the application

Informative

The City of Edinburgh acting as Road Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.



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Development Management Sub Committee

10am, Wednesday 29 July 2015

Confirmation of Tree Preservation Order No. 176. (179 Clermiston Road and 7 Fox Covert Grove, Edinburgh)

Item number	5.3
Report number	
Wards	Drum Brae/Gyle

Summary

- Tree Preservation Order No. 171 (179 Clermiston Road & 7 Fox Covert Grove, Edinburgh) was made under delegated powers on 2 May 2013 and confirmed by the Development Management Sub Committee on 23 October 2013. A copy of the Development Management Sub Committee report is appended in the background papers.
- The Order was sent to be recorded with the Registers of Scotland. However, this was declined due to an error in the Land Title description in the First Schedule of the Order. The Order therefore required to be remade.
- An identical replacement Tree Preservation Order (Tree Preservation Order No. 176 (179 Clermiston Road & Fox Covert Grove, Edinburgh)) was made on 20 March 2015.
- It is recommended that Committee confirm the replacement Order TPO No. 176.

Links

Policies and guidance for this application	CO19 SO2 SO4
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Report

Development Management Sub Committee Wednesday 29th July 2015

Recommendations

1.1 It is recommended that Tree Preservation Order TPO No. 176 be confirmed.

Background

2.1 Site description

The 2 oak trees in question are situated in the garden ground of the dwellings identified. They are remnants of an avenue of oak trees which formed the entrance to Clermiston Mains farm dating from 1850 or earlier.

2.2 Site History

Several requests were received from local residents for the Planning Authority to make a Tree Preservation Order in response one of the tree owners intimating to his neighbours that he was going to cut down trees in his garden.

Main report

3.1 Description

Tree Preservation Order No. 171 (179 Clermiston Road & 7 Fox Covert Grove, Edinburgh) was made under delegated powers on 2 May 2013 and confirmed by the Development Management Sub Committee of the Planning Committee 23 October 2013. A copy of this report is available in the background papers.

When the confirmed Order was sent to be recorded with the Registers of Scotland the Registers declined to do so due to an error in the Land Title description in the First Schedule of the Order. The Land Title description in the Order could not be altered therefore the Order had to be remade in order to meet statutory requirements.

A new Tree Preservation Order, TPO No. 176, was made under delegated powers on 20 March 2015. The TPO replicated the protection of the trees provided in the previous confirmed Order.

When made, Tree Preservation Order No. 176 was advertised as required by Regulation. No objections or representations have been received.

Tree Preservation Order No. 176 needs to be confirmed within 6 months of it being made (i.e. by 20 September 2015) or the Order expires.

3.2 Determining Issues

Whether it is expedient in the interests of amenity to confirm the replacement Tree Preservation Order.

3.3 Assessment

To address these determining issues, the Committee needs to consider whether it is still expedient in the interests of amenity to confirm the replacement Tree Preservation Order. The reasons for making the order were that the trees were seen to be of considerable age and contributed to the character and attractiveness of the locality and that they were of cultural and historic value due to the trees' association with the grouping of original buildings and entrance gate to the old farm. There is not considered to be any change in circumstances to suggest the Tree Preservation Order is not now required.

It is recommended that Tree Preservation Order No. 176 is confirmed.

Financial impact

4.1 The financial impact has been assessed as follows:

This report will have no financial impact.

Risk, Policy, compliance and governance impact

5.1 This report will have no risk, policy, compliance or governance impact.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This report will have no impact on equalities.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

The protection of trees will have a positive impact on sustainability objectives.

Consultation and engagement

8.1 Pre-Application Process

Not applicable when making the Tree Preservation Order.

8.2 Publicity summary of representations and Community Council comments

Not applicable when making the Tree Preservation Order.

Background reading/external references

- Tree Protection Charter -
http://www.edinburgh.gov.uk/downloads/file/2836/tree_preservation_order_charter
- Previous Development Management Sub Committee report
[http://www.edinburgh.gov.uk/download/meetings/id/40978/item_44 - 179 clermiston road and 7 fox covert grove edinburgh %E2%80%93 confirmation of tree preservation order no 171.](http://www.edinburgh.gov.uk/download/meetings/id/40978/item_44_-_179_clermiston_road_and_7_fox_covert_grove_edinburgh_%E2%80%93_confirmation_of_tree_preservation_order_no_171)

**Statutory Development
Plan Provision**

Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or other tree worthy of retention unless necessary for good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

- 173 Where necessary to protect trees, the Council will use its powers to make and enforce Tree Preservation Orders.

Date registered

N/A

Drawing numbers/Scheme

N/A

David R. Leslie

Acting Head of Planning and Building Standards

Contact: [Steve Milne](#)

E-mail: Tel: steven.milne@edinburgh.gov.uk : (0313) 529 3531

Links - Policies

Policy ENV 12 Trees

<http://edinburghcouncilmaps.info/plans/ldp/SecondProposedLDPJune2014.pdf#page=92>

Appendix 1

Development Management Sub Committee 29th July 2015

Tree preservation order map



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/01912/FUL
At Telecoms Apparatus 22 Metres South Of 4, Ellersly Road,
Edinburgh
Erection of a temporary telecoms tower to facilitate the
development of the Ellersly House Hotel (in retrospect) (as
amended).**

Item number	5.4
Report number	
Wards	A06 - Corstorphine/Murrayfield

Summary

The proposal is required temporarily to maintain telecommunications coverage in the area due to the redevelopment of the former Ellersly House Hotel. Whilst the proposal has an adverse impact on the character and appearance of the West Murrayfield Conservation Area and the setting of nearby listed buildings, this impact is temporary and all adverse impacts will be reversed once the mast and associated equipment have been removed.

Given the temporary nature of the proposal and the need to provide interim telecommunications coverage until the permanent solution has been implemented, approval can be justified in this case. Approval is recommended subject to the addition of a suitably worded condition requiring the removal of the mast and equipment in 5 months of the date of consent.

Links

Policies and guidance for this application	CITE6, CITE12, CITE3, CITI5, NSGTEL, CRPWMU,
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Report

Application for Planning Permission 15/01912/FUL At Telecoms Apparatus 22 Metres South Of 4, Ellersly Road, Edinburgh Erection of a temporary telecoms tower to facilitate the development of the Ellersly House Hotel (in retrospect) (as amended).

Recommendations

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

Background

2.1 Site description

The application site is located on the northern side of Ellersly Road on land to the front of the former Ellersly House Hotel. The site is separated from the pavement edge by a stone wall and sits in close proximity to two trees. The site occupies a slightly elevated position as the ground level is approximately 90 cm higher than the pavement edge.

There are two poles associated with the decommissioned telecommunication mast present on the roof of the former Ellersly House Hotel, and an associated ancillary cabinet is located to the front of the building.

The surrounding area comprises a mix of residential and community / commercial uses. There are several listed buildings in close proximity to the site with the closest being as follows:

- 5, 6 and 7 Ellersly Road - listed category C on 27.10.1992 (ref: 30276);
- 11 Ellersly Road - listed category B on 27.10.1992 (ref: 30275); and
- 2 Ellersly Road - listed category B on 14.12.1970 (ref: 28733).

The site is located within the West Murrayfield Conservation Area.

2.2 Site History

23.12.2014 - Planning enforcement investigation opened for erection of a mobile phone mast in response to five enquiries. Investigation pending decision until determination of this application (case ref: 14/00820/EOPDEV).

26.01.2015 - Prior notification application was submitted to determine if the installation of a 20m high temporary tower, 3 antennas, 1x600mm dish and 4 x equipment cabinets and an electricity generator on the site was permitted development.

It was determined that the proposal would require planning permission by virtue of its location within a conservation area and its design as a ground based mast (application ref: 14/05326/PNT).

Other Relevant Planning History

Adjacent Site History:

The following applications relate to 4 Ellersly Road (former Ellersly House Hotel):

23.05.2002 - Planning permission granted for installation of 3 panel antennae, 2 dish antennae (diameter 600mm), 1 equipment cabin and other ancillary development, as amended (application ref: 01/03995/FUL).

19.11.2007 - Planning permission granted for retention of existing core building and removal of existing hotel bedroom wing and ancillary buildings, alterations to retain building to create residential accommodation and erection of new residential wings and new townhouses at the former Ellersly House Hotel (application ref: 06/05170/FUL).

01.08.2007 - Conservation area consent granted for demolition of existing hotel bedroom wings and ancillary accommodation including opening up of boundary wall (application ref: 06/05170/CON).

04.01.2013 - Planning permission granted to upgrade the existing rooftop site, replacing 3 antenna with 3 new antenna, coupled with installation of 2 new cabinets (application ref: 12/03842/FUL).

Decision pending for non-material variation to 06/05170/FUL (application ref: 06/05170/VARY).

Related Applications

This application relates to the current application as it represents the permanent replacement mast following the redevelopment of Ellersly House Hotel:

01.05.2015 - Planning permission granted for telecoms site adjacent and on Murrayfield Lawn Tennis Club (application ref: 15/00889/FUL).

Main report

3.1 Description Of The Proposal

This application has been made in retrospect and is seeking consent for a temporary period of 5 months for the siting of a telecommunication mast, the relocation of two existing cabinets, and an electricity generator.

The temporary mast has been erected to facilitate the redevelopment of Ellersly House Hotel, which housed permanent mast equipment on its roof. The remaining poles associated with the mast on the roof of the former hotel are proposed to be removed once all the equipment for the temporary mast has been integrated. The roof mast was decommissioned in January 2015.

The temporary mast is approximately 22 metres high from ground level including four concrete supporting blocks. Due to the change in ground levels from the pavement to the site, the mast appears approximately 23 metres high from the pavement. The temporary mast comprises three antennas and a dish at the top of the mast pole and is supported by wires and posts secured into the concrete blocks. The mast, supporting wires, posts and concrete blocks, are enclosed by 2 metre high herras fencing, creating a compound for the mast and associated cabinet equipment.

Two existing cabinets associated with the roof mast will be relocated within the temporary mast compound. A third existing cabinet will be removed. A temporary generator is also proposed to provide an electrical supply to the site, and will be located to the east of the mast compound at the pavement edge. The generator will be surrounded by herras fencing at approximately 2 metres in height, with sound insulation material affixed to the inner sides of the fence panels.

No trees require to be removed as a result of this proposal.

Scheme 2

The application initially proposed a temporary period of 8 months however this has been reduced to 5 months given the level of objection, the length of time that the temporary mast has already been in place (since November 2014), and the recent grant of planning permission in May 2015 for the permanent replacement mast on and adjacent to Murrayfield Lawn Tennis Club (application ref: 15/00889/FUL).

In addition, some inaccuracies on the plans have been corrected to ensure an accurate depiction of the height and design of the mast.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 proposal will adversely affect the character or appearance of the conservation area and visual amenity;
- b) the proposal will adversely affect the setting of listed buildings;

- c) the proposal will have a detrimental impact on neighbouring amenity or road safety;
- d) the proposal will have any detrimental impact on equalities and human rights; and
- e) any public comments have been addressed.

a) Impact on Conservation Area and Visual Amenity

Local Plan Policy Env 4 'Conservation Areas - Development' requires that development within conservation areas should preserve or enhance their special character or appearance. Local Plan Policy Inf 5 'Telecommunications' also requires that proposals should not harm the built or natural heritage of the city and that their visual impact should be minimised through careful siting and design. The Council's non-statutory guidance on Communications Infrastructure reiterates these requirements.

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area. This part of the West Murrayfield Conservation Area is defined by a mix of traditional and some more contemporary properties, predominantly stone built or with stone facing, and relatively green frontages bounded with stone walls.

The height and design of the mast does not relate to the traditional form and scale of the surrounding buildings and boundary treatments and it does not integrate positively with the existing streetscape. The mast, compound and generator represent incongruous and industrial looking features in the streetscape and do not preserve or enhance the character of this part of the West Murrayfield Conservation Area.

The agent has confirmed that the mast is required temporarily to maintain telecommunications coverage in the area including for the emergency services due to the redevelopment of the former Ellersly House Hotel. Temporary consent is required for 5 months at which point it is anticipated that the permanent replacement mast at Murrayfield Lawn Tennis Club, which was granted planning permission in May 2015, will have been implemented (15/00889/FUL).

The siting of the temporary mast has been determined by the need to provide an interim solution to the decommissioned mast currently located on the roof of the former Ellersly House Hotel. The mast will therefore reuse the existing cabinet equipment associated with the decommissioned roof mast.

Whilst the proposal is contrary to Local Plan policies Env 6 and Inf 5 and associated non-statutory guidance, the adverse impact on the character and appearance of the conservation area will be for a temporary and defined period of 5 months. On this basis there will be no long term adverse impact on the character and appearance of the conservation area.

On balance, it is considered that the need to provide continuity in service provision for a temporary period outweighs the relatively short term reversible adverse impact on the appearance and character of the conservation area.

A condition has been added to ensure that the mast and associated equipment is removed in 5 months of the date of consent and the land is suitably restored within 1 month of its removal.

b) Setting of Listed Buildings

There are listed buildings in close proximity to the site (categories B and C). Local Policy Env 3 'Listed Buildings - Setting' requires that development does not have an adverse impact on the setting of a listed building. The mast and associated equipment are visible from these listed buildings, and by virtue of their incongruous design and scale, detract from the setting of these listed buildings.

Whilst the proposal is therefore contrary to Local Plan Policy Env 3, it will only have an adverse impact on the setting of these listed buildings for a temporary and relatively short term period. It is not therefore considered justifiable to recommend refusal of the application on the basis of its impact on the setting of the listed buildings.

c) Residential Amenity and Road Safety

A Declaration of Conformity with International Commission on Non-Ionising Radiation (ICNIRP) Public Exposure Guidelines has been submitted which confirms that the proposal is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the ICNIRP. The proposal therefore complies with the Council's non-statutory guidance on Communications Infrastructure regarding public safety.

The proposed generator has been assessed by Environmental Assessment with respect to its potential noise impact. Environmental Assessment conclude that the generator is at a reasonable distance from dwellings so as not to cause unacceptable harm to amenity, and on the basis that it is a temporary fixture, no objections are raised.

The mast and associated equipment are set back from the road and pavement and there are no implications for pedestrian or road safety. Transport Planning raise no objections.

The proposal will not have an adverse impact on neighbouring amenity.

d) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impact was identified.

e) Public Comments

Nine representations have been received; all of which raise objections to the application. The objections have been summarised as follows:

Material Representations: Objections

- Adverse impact on conservation area - this has been addressed in section 3.3a) of the assessment;
- Adverse impact on visual amenity of area - this has been addressed in section 3.3a) of the assessment;
- Noise impact - this has been addressed in section 3.3c) of the assessment;
- Inaccurate plans - this has been addressed in section 3.1;
- Adverse impact on public health - this has been addressed in section 3.3c) of the assessment;
- Temporary nature of proposal should not influence decision - the temporary nature of the proposal is material consideration and this consideration has been addressed in sections 3.3a) and b) of the assessment; and
- Mast should be removed once permanent replacement mast is in place - the applicant will be given 5 months to implement the permanent replacement mast which was granted planning permission in May 2015 (15/00889/FUL).

Non-Material Representations

- Loss of view;
- Mast has been erected without permission; and
- Neighbour notification inadequate

Community Council

Murrayfield Community Council objects to the application. The objections raised are summarised as follows:

- Inaccurate plans- this has been addressed in section 3.1;
- Adverse impact on conservation area - this has been addressed in section 3.3a) of the assessment; and
- Planning permission should only be granted on receipt of new application for a suitable permanent mast - planning permission was granted in May 2015 (15/00889/FUL).

Conclusion

The proposal is required temporarily to maintain telecommunications coverage in the area due to the redevelopment of the former Ellersly House Hotel. Whilst the proposal has an adverse impact on the character and appearance of the West Murrayfield Conservation Area and the setting of nearby listed buildings, this impact is temporary and all adverse impacts will be reversed once the mast and associated equipment have been removed.

Given the temporary nature of the proposal and the need to provide interim telecommunications coverage until the permanent solution has been implemented, approval can be justified in this case. Approval is recommended subject to the addition of a suitably worded condition requiring the removal of the mast and equipment in 5 months of the date of consent.

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. The temporary mast and associated equipment hereby approved shall be removed in 5 months of the date of this consent, and the site reinstated to the satisfaction of the Planning Authority within 1 month from that date.

Reasons:-

1. In order to safeguard the visual amenity of the area, the character of the conservation area and the setting of nearby listed buildings.

Informatives

It should be noted that:

1. 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.

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 is not subject to 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

Nine representations were received; all of which raise objections to the application. The objections have been summarised as follows:

Material Representations: Objections

- Adverse impact on conservation area;
- Adverse impact on visual amenity of area;
- Noise impact;
- Inaccurate plans;
- Adverse impact on public health;
- Temporary nature of proposal should not influence decision; and
- Mast should be removed once permanent replacement mast is in place.

Non-Material Representations

- Loss of view;
- Mast has been erected without permission; and
- Neighbour notification inadequate.

Community Council

Murrayfield Community Council objects to the application. The objections raised are summarised as follows:

- Inaccurate plans;
- Adverse impact on conservation area; and
- Planning permission should only be granted on receipt of new application for a suitable permanent mast.

The material planning matters have been addressed in section 3.1 'Assessment' of this report.

Background reading/external references

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development Plan Provision

The site is located within the West Murrayfield Conservation Area and the Urban Area.

Date registered

23 April 2015

Drawing numbers/Scheme

01, 06 - 09,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Ruth King, Planning Officer

E-mail: ruth.king@edinburgh.gov.uk Tel: 0131 529 6475

Links - Policies

Relevant Policies:

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Inf 5 (Telecommunications) sets criteria for assessing telecommunication developments.

Non-statutory guidelines on "COMMUNICATIONS INFRASTRUCTURE" set out detailed guidance for the siting and design of masts, antennas, cabins and equipment in all locations, with special reference to listed buildings and other sensitive situations.

The West Murrayfield Conservation Area Character Appraisal emphasises the range of high quality villas of restricted height enclosed by stone boundary walls, and the predominance of residential uses within the area.

Appendix 1

**Application for Planning Permission 15/01912/FUL
At Telecoms Apparatus 22 Metres South Of 4, Ellersly Road,
Edinburgh
Erection of a temporary telecoms tower to facilitate the
development of the Ellersly House Hotel (in retrospect) (as
amended).**

Consultations

Transportation

I have no objections to the application.

Note:

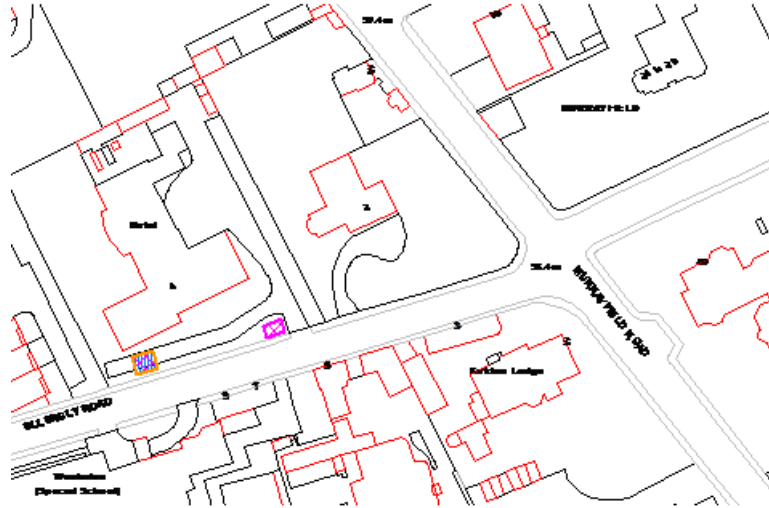
The proposed apparatus is within the boundary of the property and not on the public footway / carriageway.

Environmental Assessment

The applicant proposes the erection of a temporary telecoms tower to facilitate the development of the Ellersly House Hotel. The hotel is bordered by Ellersly Road to the south and by dwellings to the east, west and north. Environmental Assessment understands that the erection of such telecoms towers on a temporary basis is considered permitted development; in this regard the agent's application for planning permission is welcomed.

The agent's plans indicate a preferred location for the diesel generator that will power the mast; this location (to the south of the site) is acceptable to Environmental Assessment as it is a reasonable distance from the dwelling to the east. In addition, line of sight to the generator should be broken by the boundary wall separating these two sites. The developer should keep in mind that any other locations which might be used to house the generator should be equally distant from the surrounding dwellings and screened from them by solid structures where possible.

Given this is a request for a temporary/time limited period only - and in lieu of the points above - Environmental Assessment has no objections to this proposed development.



Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Obligation 15/00512/OBL
At 57 Hesperus Broadway, 20 Hesperus Crossway,
Edinburgh
Application for modification of the planning obligation.**

Item number	5.5
Report number	
Wards	A04 - Forth

Summary

The justifications given for the proposed reduction in the education contribution to a sum of £980 per flat in the application site are not considered appropriate or accurate.

Links

<u>Policies and guidance for this application</u>	LPC, CITWA1, CITCO2,
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Report

Application for Planning Obligation 15/00512/OBL At 57 Hesperus Broadway, 20 Hesperus Crossway, Edinburgh Application for modification of the planning obligation.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The two parts of this application site are located to the west side of Hesperus Broadway and to the north of its junction with Hesperus Crossway. The sites have been developed with residential flats.

2.2 Site History

June 2003 - permission was granted with a legal agreement for the construction of a mixed use development including residential, hotel and serviced apartments, shops and retail/services, restaurants/cafes, public houses, general business, leisure facilities and marina (Reference: 01/00802/OUT).

March 2006 - permission was granted to erect 120 flats with associated car parking spaces and access (Reference 04/03604/REM).

November 2012 - an application to modify or discharge planning obligations was withdrawn (Reference: 12/02346/OBL).

Main report

3.1 Description Of The Proposal

The application seeks to modify the Section 75 Agreement attached to the 01/00802/OUT planning permission as it relates to the sites indicated on the application plan. The application seeks to delete the obligation under clause 3.5 of the existing agreement to provide a sum of £386 per flat built towards the school site acquisition costs. It also seeks to include a new time period restriction for the use of the reduced contribution sum to be paid for the flats built on the application site.

Clause 3.2 of the existing agreement indicates that an indexed sum of £1,366 is to be paid per residential unit built. Clauses 3.3, 3.4 and 3.5 indicate how this sum is to be subdivided.

Clause 3.3 indicates £593 is to be provided towards non-denominational primary schools.

Clause 3.4 indicates £387 is to be provided towards non-denominational secondary schools.

Clause 3.5 indicates £386 is to be provided towards the site costs for a new school.

The approved flatted development for the application site has been completed and forms part of a larger development of blocks of flats. A part payment of the full contribution sum required under clause 3.2 amounting to £58,150 has been received.

The applicant has submitted additional documentation with the application. This includes a document explaining the reasons for the application, a copy of the Section 75 Agreement which they wish to be modified, correspondence from the Council relating to the earlier 12/02346/OBL application and a plan of the application site.

The documents are available to view on the Planning and Building Standards online services.

3.2 Determining Issues

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 discharge of the application site from the terms of the agreement as proposed is considered acceptable; and
 - b) There are any equalities issues or human rights impacts to be addressed.
- a) The application is a request for the education contribution required under clause 3.5 of the existing agreement to be removed as far as it relates to the flats built on the application site.

This contribution is a sum required to be paid for each flat built in the development towards the acquisition costs of the new school site and amounts to £386 per flat. The applicants have indicated that they consider it acceptable for the remaining parts of the education obligation to be paid, amounting to £980 per flat.

The applicants have suggested that their proposed obligation revision is justified under basically four headings.

The payment of the full contribution requirements amounting to £1,366 per flat would make the development of the flats in the application site non-viable. The current obligation would not meet the tests set out in Scottish Government Circular 3/2012. The new school is not needed given the current and expected levels of residential development in the area. The flats built on the application site are unlikely to attract families and will generate very few pupils.

The applicants have provided further information to explain their statement that the payment of the contribution under clause 3.5 would mean the development of the application site would no longer be viable. Some of the flats built have been sold on a shared equity basis with the developer retaining part of the equity. A majority will still have been sold on an open market basis. The total reduction in the contribution requested amounts to £15,054. Estates has considered the information provided by the applicant and advise that the switch from market to shared equity will make a small difference in the cash flow for the development and slightly increases the risk profile of the project. It would not, however, justify the Council being left with a deficit in infrastructure funding because the developer has not been able to dispose of the flats as they might have expected. The reduced contribution would be applicable to the flats sold on the open market as well as by shared equity. The flats have been built and it is clear that occupations have taken place.

The applicants have indicated they do not consider the school site acquisition costs obligation to comply with Circular 3/2012. The circular requires that planning obligations need to meet all of the following tests.

1. The obligation is necessary to make the proposed development acceptable in planning terms. A financial contribution cannot be required by a condition on the planning permission and can only be secured by a legal agreement. This obligation needed to be secured in this way so that successors in title were bound to comply with it. The education contribution meets this test.
2. The obligation must serve a planning purpose and where it is possible to identify infrastructure provision requirements in advance, should relate to the development plans. The Edinburgh City Local Plan indicates that the Council will seek a financial contribution for education "if additional capacity would have to be created as a result of a housing development, whether by enlargement of an existing school or by the construction of a new school". The site indicated in the plan for a new school has been purchased for that purpose. The education contribution has a planning purpose and therefore meets this test.
3. The obligation must relate to the proposed development either as a direct consequence of the development or arise from a cumulative impact of development in the area. The overall development in the area as well as this specific site will generate new school pupils. These pupils will require places either more immediately in existing schools or more latterly in a new school. The timescales of the redevelopment of the area does not mean that there is no longer an expectation that a new school will be required. There is still a likelihood that pupils from this particular site will need to be educated in a new school. All elements of the education contribution are considered to meet this test.

4. The obligation must fairly and reasonably relate in scale and kind to the proposed development. In considering the need for a contribution under this test a planning authority should take into account the cumulative impact of a number of proposed developments and use obligations to share costs proportionately. This has been done in the existing agreement where the sums required are on a per residential unit basis over the whole outline permission site. The sums required are not considered excessive and have not been required at an early stage in the application site development, which could have created cash flow problems. The acquisition costs for a new school site have already been incurred. The £386 per unit contribution towards these costs is expected to be recovered through staged payments as development across the overall site progresses. All parts of the education contribution are considered to meet this test.
5. The obligation must be reasonable in all other aspects. All parts of the education contribution including the costs for a new school are a consequence of the redevelopment of the outline planning permission site, to which this application site is a part. A new school is considered necessary given the expected new development in the area and occupiers of the properties now built on this application site can be expected to benefit from this provision. The timescales for the construction of the new school are dependent on the speed of redevelopment in the area. This does not mean that the school will not be needed.

The applicants have suggested the high density residential developments originally planned are now unlikely to be built with the result that there will be fewer families moving into the area than anticipated. The applicants have also contended that the clause 3.5 element of the education contribution can no longer be justified.

In their supporting information document, Children and Families have indicated that despite an expected reduction in the number of dwellings to be built in the area, there is still considered to be a need for a new school. To that end the planned site for a new school has been purchased and funding levels calculated to complete the project. The assessment as to whether a new school is required is dependent on new development over a wide area. The timing of the construction of a new school will be dependent on the speed of take up for permissions for this new development. It is expected that additional pressure from rising school rolls will also necessitate a new school being built. There is therefore a need for the school site costs element in the education contribution to be retained. If this application were to be approved there would a shortfall in the funding towards the school from this development site.

There is an action programme for new school infrastructure provision in the Granton waterfront area as required under the second proposed local development plan policy on developer contributions. New development proposals in the area are currently under consideration. The applicant's suggestion that new high density residential developments are unlikely to be built, leading to fewer families moving into the area, is not accepted. Changes to proposals in the area where houses may be included could result in larger pupil numbers being generated.

The applicants seek to include a new repayment provision on the proposed reduced contribution payment. It would be proposed that any part of these sums which remains unused after 15 years from the date of payment should be repaid to the developer. This would be considered acceptable.

b) There are no equalities or human rights impacts to be addressed. Benefits have been provided from the receipt of a financial contribution for education infrastructure. Under this application it is agreed that further financial contributions will be made, but not to the same level as expected from the existing legal agreement.

In conclusion, the justifications given for the proposed reduction in the education contribution to a sum of £980 per flat in the application site are not considered appropriate or accurate. It is recommended that this application is refused.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Com 2 in respect of School Contributions, as it seeks to remove the obligation to contribute towards the costs of a new school.

Informatives

It should be noted that:

1. If the Committee decision is to approve the application or if there is an appeal decision to approve the modification to the agreement, please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

The proposal would reduce the education contribution sum payable for the 39 flats developed on this application site by £386 per flat. This would therefore amount to a reduction of £15,054 in the total education contribution to be received.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Correspondence was exchanged prior to the withdrawal of the previous 12/02346 OBL application for this site.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The Edinburgh City Local Plan identifies the site as being within the waterfront area of change (WAC2).

Date registered

10 February 2015

Drawing numbers/Scheme ,**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Ian Williams, Senior Planning Officer

E-mail: ian.williams@edinburgh.gov.uk Tel: 0131 529 3752

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Wa 1 (Waterfront Areas of Change) sets criteria for assessing development in the Granton and Leith Waterfront Areas of Change.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Appendix 1

Application for Planning Obligation 15/00512/OBL At 57 Hesperus Broadway, 20 Hesperus Crossway, Edinburgh Application for modification of the planning obligation.

Consultations

Children and Families

OBL report - Supporting Information

Site and Provision of Granton Waterfront Primary School

A site is identified in the Granton Waterfront for a new primary school. Most of the school of the site has already been purchased by the Council with an expectation that the costs would be recouped via developer contributions. A further area of land to provide a school playing field has still to be transferred from the ownership of WEL (A Council subsidiary company). The Section 75 Agreement relating to Granton Harbour specifically makes provision for a developer contribution towards the cost of acquiring the school site.

The Council submitted an outline planning application (04/2707/OUT) for the building of a school and an application for reserved matters (07/00605/REM) was approved in August 2007. Permission lapsed in September 2010 and was not renewed due to the drop-off in development (and pupil generation) at Granton Waterfront but the expectation has remained that a school will be required to serve the area in the longer term.

The Edinburgh Local Development Plan (ELDP) that was approved in June 2014 identifies a 1.2 hectare site (Ref SCH4) North of Waterfront Avenue as the location for a new hectare primary school to serve major housing-led regeneration proposals at Granton Waterfront. This is the same site covered by the previous planning permission for a primary school.

Longer Term Need for a New Granton Waterfront Primary School

The ELDP makes provision for over 8,000 dwellings in the Granton Waterfront Area including the North Shore (see Table 1) but these figures have recently been updated as shown in Table 2 to reflect recent planning permissions and revised expectations. The predicted number of dwellings has been cut to just below 6,000 but this scale of development would still require a new primary school.

Table 1: Local Plan Proposals for the Granton Waterfront Area

Ref	Area	Dwellings	Comp Rem	Section 75
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EW 2a	Forth Quarter	1,800	747	1,053	2,000
EW 2b	CDA	2,050	250	1,800	1,000
EW 2c	Granton Harbour	3,400	286	3,114	3,396
EW 2d	North Shore	850	0	850	0
Total		8,100	1,283	6,817	6,396

Whereas the original section 75 for Granton Harbour makes provision for 3,396 flats, a revised planning permission (13/04320/AMC - a variation of the original consent) is now proposing 200 houses and 1,450 flats, including the provision of 900 family flats. Appendix 1 provides details of the planning application.

Table 2: Revised Number of Dwellings in the Granton Waterfront Area

Ref	Area	Dwellings	Comp	Rem
EW 2a	Forth Quarter	1,800	759	1,041
EW 2b	CDA	1,300	305	995
EW 2c	Granton Harbour	2,000	344	1,656
EW 2d	North Shore	850	0	850
Total		5,950	1,408	4,542

Granton Primary School and its Catchment Area

Pupils in the Granton Harbour area currently live in Granton Primary School catchment area. Granton Primary School is a 16 class organisation with a capacity to take 462 pupils and the current roll is 377 pupils. The actual number of pupils living in the catchment is much higher (534 pupils) and there is considerable placing requests to surrounding schools that have spare capacity.

Catchment Primary 1 intakes at Granton Primary School over the last two years have exceeded 90 pupils largely due to higher number of births in the city working through to P1 and this pattern is expected to continue. To cater for predicted higher rolls, internal reconfiguration will provide an extra class for 2015-16 and further reconfiguration will provide another class for 2016-17. This will make the school an 18 class organisation with a capacity of 504. Planning permission has also been approved for a five class extension to Granton Primary (prior to the consideration of internal works) but there is an expectation that the school would extend to 21 or 22 classes at some future point with a capacity of 630. Such an organisation allows for a three stream intake of 90 pupils per year and this is currently the largest size of school that is provided in the city.

Apart from the Granton Harbour area, the Central Development Area (CDA) also falls within the Granton Primary School catchment area. Planning has provided estimated dwelling completions from these areas which shows over 1,500 dwellings being completed by 2030, and which could expect to some 200 extra pupils. Taking account of pressure from rising rolls and new development, catchment number in the Granton catchment could expect to exceed 800 pupils which would require extra provision in the area that would be best met through the provision of a new primary school

Predicted House Completions in Granton Harbour and the Central Development Area (CDA)

Area	First 5 yrs	Second 5 yrs	Third 5 years 15 yrs	Total over
CDA (WEL)	150	250	250	650
Granton				
Harbour	200	350	375	925
Total	350	600	625	1575

Appendix 1: Revised Proposal for Granton Harbour

Granton Harbour – Revised Application (13/04320/AMC)

Subject	Details
Reference	13/04320/AMC
Applicant	Granton Central Developments Ltd
Application Type	Approval of Matters Specified in Conditions
Application Received	Wed 16 Oct 2013
Address	65 West Harbour Road Edinburgh EH5 1PW
Proposal	Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes.
Status	Application Approved
Decision Issued Date	31 January 2014

Granton Harbour – Revised Application 14/05305/AMC

Note- new application is broadly similar to 13/04320/AMC in terms of proposed housing development

Subject	Details
Reference	14/05305/AMC
Applicant	Granton Central Developments Ltd
Application Type	Approval of Matters Specified in Conditions
Application Received	Tue 23 Dec 2014
Address	65 West Harbour Road Edinburgh EH5 1PW
Proposal	Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes. (Scheme 2)
Status	Application Pending
Decision Issued Date	

Estates

I can confirm that the switch from market to shared equity will make a small difference in the cash flow of the development and slightly increases the risk profile of the project. I would, however, argue that the Council should not be the ones paying for the deficit in infrastructure funding resulting from this development which has been caused by the developers failure to dispose of the units how they originally assumed and recommend we resist a reduction on this basis.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/02190/FUL
At 20 Mansionhouse Road, Edinburgh, EH9 1TZ
Works associated with, and thereafter the laying out of
artificial grass (in retrospect)**

Item number	5.6
Report number	
Wards	A15 - Southside/Newington

Summary

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

Links

<u>Policies and guidance for this application</u>	CRPGRA, CITE6, NSHOU, NSLBCA,
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Report

Application for Planning Permission 15/02190/FUL At 20 Mansionhouse Road, Edinburgh, EH9 1TZ Works associated with, and thereafter the laying out of artificial grass (in retrospect)

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application property is a two storey detached villa on the east side of Mansionhouse Road, situated at the junction with Grange Road.

This application site is located within the Grange Conservation Area.

2.2 Site History

12.01.1999 - planning permission was granted to erect a conservatory, reference 98/03372/FUL.

24.06.1999 - planning permission was granted to "alter and extend dwelling house (as amended)", reference 99/01296/FUL.

21.11.2013 - planning permission was granted for "removal of existing swimming pool and conservatory, and construction of a garden room extension and first floor extension", reference 13/04161/FUL.

07.03.2014 - A non-material variation to 13/04161/FUL was approved, reference 13/04161/VARY.

01.10.2014 - planning permission was granted for hard and soft landscaping works, metal railings and gates, masonry repairs, alterations to the driveway, and several tree removals, reference 14/02371/FUL.

13.04.2015 - An enforcement notice was served which required the recipients to restore the garden ground to its condition prior to the removal of 255sq/m of garden and its replacement with hardcore and astroturf, a timber deck measuring approximately 4.2m x 3.2m x 0.15m above garden level, and a timber playhouse measuring 2.47m wide x 1.84m deep x 2.26m high, set on a raised timber deck measuring 2.27m x 2.44m x 0.2m high adjacent to the southern boundary wall. The appeal against this notice is currently under consideration by the DPEA.

Main report

3.1 Description Of The Proposal

The proposal is described as "works associated with, and thereafter the laying out of artificial grass (in retrospect)". For clarity, the operational development consists of compacted hardcore laid to a depth of approximately 20cms over an area of approximately 255sq/m (approximately 51cu/m) with a mat of artificial grass laid on top.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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. There is any adverse impact on the character and appearance of the conservation area or on that of the existing house;
 - b. Public comments have been addressed; and
 - c. Equalities and human rights impacts have been addressed.
- a. The Grange Conservation Area Character Appraisal (GCACA) states that *"the buildings (within the conservation area) are complemented by the profusion of mature trees, spacious garden settings ... and green open spaces. A significant level of uniformity is achieved from the use of local building materials"*.

GCACA clarifies that *"the separation of dwellings creates a characteristic rhythm and solid-void repetition between precisely-sited structures of similar scale and massing. The spacious gardens provide an important setting for the buildings and mature trees within"*.

Private gardens dominate the landscape character of the conservation area. The character appraisal states that a major pressure is on "the setting of villas, garden space, and boundary walls" through "new developments within villa grounds". Such development puts key elements of the conservation area's special character at risk, with the attendant loss of green landscaping.

The importance of gardens within the conservation area is threefold. Firstly, in terms of their spaciousness. Secondly, in terms of helping to establish the rhythm and character of the conservation area. Thirdly, the gardens themselves have a long standing expectation of greenery and amenity value.

Edinburgh City Local Plan Policy ENV6 states that "Development within a conservation area will be permitted which:

- a. preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b. preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
- c. demonstrates high standards of design and utilises materials appropriate to the historic environment.

The removal of 255sq/m of garden and its replacement with hardcore and astroturf harms the sense of spaciousness within the curtilage of the house. It does not appear as a natural feature, but as an unnatural intrusion. The development is evidently not soft landscaping or green space as the terms are commonly understood. The relationship between the house and the boundary is harmed by the laying out of what is effectively a hard surface. The removal of the original garden harms the special character of the conservation area by reducing important green landscape.

The council's non-statutory Guidance for Householders (NSHOU) includes guidance on extensions to villas. The character of a villa should not be adversely affected as the result of development. The removal of 255sq/m of garden ground which has high amenity value within and without the site harms the character of the villa. The maximum site coverage of all buildings, garages, parking and access drives should not exceed 40% of the site. Planning permission was granted in 2014 for hardstanding in front of the house. With the addition of unauthorised hardcore, the area of development within the curtilage is approximately 85%, contrary to the non-statutory guidance.

- b. Fourteen representations in objection and ten in support have been received.

Material comments in objection

There is too much hardstanding/development within the curtilage of the house. This is addressed in part 3.3a.

The development is inappropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in objection

Loss of trees. The application does not include any tree removal.

Harm to biodiversity. Given that this application relates to operational development affecting the curtilage of one house, loss of biodiversity is not of sufficient weight in and of itself to justify refusal of planning permission.

Increased surface water run-off. Given that this application relates to operational development affecting the curtilage of one house, any increase in surface water run-off is not of sufficient weight in and of itself to justify refusal of planning permission.

Material comments in support

The design is appropriate. This is addressed in part 3.3a.

The development is appropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in support

The artificial grass is a temporary surface. As described, the development for which planning permission has been sought is 51cu/m of compacted hardcore with a mat of artificial grass on top. It is not a surface. It is also not temporary development, but a building operation which would require the services of a builder to remove.

Allegation that the application has been rejected without a site visit. This is not the case. When the enforcement investigation was started in November 2014, the applicant refused access to enforcement staff to ascertain whether a breach of control had been carried out, which is an offence under s158 (2) of the Town and Country Planning (Scotland) Act 1997. The council was obliged to obtain a warrant from the Sheriff Court to enter the site. The site was visited on 23rd March 2015.

Allegation that the enforcement action and subsequent retrospective application is a waste of taxpayers' money. The council did not recommend or advise that retrospective planning permission should be sought. The council, acting as planning authority, is empowered by law to investigate all alleged breaches of planning control, and to take action which is reasonable and expedient to remedy such breaches.

c. This application has no impact in terms of equalities and human rights.

Conclusion

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it will result in the loss of garden ground and soft landscaping which makes a positive contribution to the character and appearance of the conservation area.
2. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as it will result in more than 40% of the curtilage being developed.

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:

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

Fourteen representations have been received in objection. The following material issues have been raised, all of which are addressed in the assessment:

- Too much hardstanding/development within the curtilage of the house; and
- Inappropriate development in the conservation area.

The following non-material issues were raised:

- Setting a precedent/retrospective applications;
- Loss of trees;
- Harm to biodiversity; and
- Increased surface water run-off.

Ten representations have been received in support. The following material issues have been raised, all of which are addressed in the assessment:

- The design is appropriate; and
- The development is appropriate in the conservation area.

The following non-material issues were raised:

- Artificial grass is a temporary surface;
- The site has not been visited; and
- The enforcement action and subsequent retrospective application is a waste of taxpayers' money.

A full assessment of the representations can be found in the main report in the Assessment.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 22 May 2015

Drawing numbers/Scheme 01 - 03,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Mark Dunlop, Planning Officer

E-mail: mark.dunlop@edinburgh.gov.uk Tel: 0131 469 3642

Links - Policies

Relevant Policies:

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

**Application for Planning Permission 15/02190/FUL
At 20 Mansionhouse Road, Edinburgh, EH9 1TZ
Works associated with, and thereafter the laying out of
artificial grass (in retrospect)**

Consultations

No consultations undertaken.



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/02191/FUL
At 20 Mansionhouse Road, Edinburgh, EH9 1TZ
Erection of timber deck with integrated trampoline (in
retrospect)**

Item number	5.7
Report number	
Wards	A15 - Southside/Newington

Summary

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

Links

<u>Policies and guidance for this application</u>	CRPGRA, CITE6, NSHOU, NSLBCA,
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Report

Application for Planning Permission 15/02191/FUL At 20 Mansionhouse Road, Edinburgh, EH9 1TZ Erection of timber deck with integrated trampoline (in retrospect)

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application property is a two storey detached villa on the east side of Mansionhouse Road, situated at the junction with Grange Road.

This application site is located within the Grange Conservation Area.

2.2 Site History

12.01.1999 - planning permission was granted to erect a conservatory, reference 98/03372/FUL.

24.06.1999 - planning permission was granted to "alter and extend dwelling house (as amended)", reference 99/01296/FUL.

21.11.2013 - planning permission was granted for "removal of existing swimming pool and conservatory, and construction of a garden room extension and first floor extension", reference 13/04161/FUL.

07.03.2014 - A non-material variation to 13/04161/FUL was approved, reference 13/04161/VARY.

01.10.2014 - planning permission was granted for hard and soft landscaping works, metal railings and gates, masonry repairs, alterations to the driveway, and several tree removals, reference 14/02371/FUL.

13.04.2015 - An enforcement notice was served which required the recipients to restore the garden ground to its condition prior to the removal of 255sq/m of garden and its replacement with hardcore and astroturf, a timber deck measuring approximately 4.2m x 3.2m x 0.15m above garden level, and a timber playhouse measuring 2.47m wide x 1.84m deep x 2.26m high, set on a raised timber deck measuring 2.27m x 2.44m x 0.2m high adjacent to the southern boundary wall. The appeal against this notice is currently under consideration by the DPEA.

Main report

3.1 Description Of The Proposal

The erection of a raised timber deck measuring approximately 4.2m x 3.2m x 0.15m high around a trampoline which has been set in a pit.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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. There is any adverse impact on the character and appearance of the conservation area or on that of the existing house;
- b. There is any adverse impact on neighbouring amenity;
- c. Public comments have been addressed; and
- d. Equalities and human rights impacts have been addressed.

a. The Grange Conservation Area Character Appraisal (GCACA) states that *"the buildings (within the conservation area) are complimented by the profusion of mature trees, spacious garden settings ... and green open spaces. A significant level of uniformity is achieved from the use of local building materials"*.

The appraisal clarifies that "the separation of dwellings creates a characteristic rhythm and solid-void repetition between precisely-sited structures of similar scale and massing. The spacious gardens provide an important setting for the buildings and mature trees within".

Private gardens dominate the landscape character of the conservation area. The appraisal states that a major pressure is on "the setting of villas, garden space, and boundary walls" through "new developments within villa grounds". Such development puts key elements of the conservation area's special character at risk, with the attendant loss of green landscaping.

The importance of gardens within the conservation area is threefold. Firstly, in terms of their spaciousness. Secondly, in terms of helping to establish the rhythm and character of the conservation area. Thirdly, the gardens themselves have a long standing expectation of greenery and amenity value.

Edinburgh City Local Plan Policy ENV6 states that "Development within a conservation area will be permitted which:

- a. preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal;
- b. preserves trees, hedges, boundary walls, railings, paving and other features which contribute positively to the character of the area; and
- c. demonstrates high standards of design and utilises materials appropriate to the historic environment.

The development of the garden ground harms the sense of spaciousness within the curtilage of the house. It does not appear as a natural feature, but as an unnatural intrusion. The development is evidently not soft landscaping or green space as the terms are commonly understood. The relationship between the house and the boundary is harmed by the laying out of an area of decking. The removal of the original garden harms the special character of the conservation area by reducing important green landscape.

The council's non-statutory Guidance for Householders (NSHOU) includes guidance on extensions to villas. The character of a villa should not be adversely affected as the result of development. The maximum site coverage of all buildings, garages, parking and access drives should not exceed 40% of the site. Planning permission was granted in 2014 for hardstanding in front of the house. With the addition of the area of decking and unauthorised hardcore which is the subject of a separate planning application, reference 15/02190/FUL, the area of development within the curtilage is approximately 85%, contrary to the non statutory-guidance.

The decking at issue has replaced an equivalent area of garden ground. This loss of garden ground is contrary to ENV6 and NSHOU for the reasons stated. It is not acceptable. There are no material considerations to the contrary.

- b. There will be no loss of daylight, sunlight, or privacy as a result of this development.
- c. Eleven representations in objection and 8 in support have been received.

Material comments in objection

There is too much hardstanding/development within the curtilage of the house. This is addressed in part 3.3a.

The development is inappropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in objection

Setting a precedent/retrospective applications. The planning system is not based on precedence. There is a statutory requirement to determine the application in accordance with the development plan unless there are material considerations to the contrary. The Town and Country Planning (Scotland) Act 1997 makes provision for retrospective applications, and there is no prejudice to any decision taken by the authority on the basis that the work has already been carried out.

Loss of parking income. This application is not for formation of a parking area; therefore, impact on on-street parking is not a material consideration.

Loss of trees. The application does not include any tree removal.

Material comments in support

The design is appropriate. This is addressed in part 3.3a.

The development is appropriate in the conservation area. This is addressed in part 3.3a.

Non-material comments in support

Safety when using the trampoline. This is not a material consideration in this case.

d. This application has no impact in terms of equalities and human rights.

Conclusion

The proposal does not comply with Edinburgh City Local Plan Policy Env6, and it is not compatible with the Grange Conservation Area Character Appraisal or with the council's non-statutory Guidance for Householders. It is not acceptable. Refusal is recommended.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it will result in the loss of garden ground and soft landscaping which makes a positive contribution to the character and appearance of the conservation area.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it will result in more than 40% of the curtilage being developed.

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:

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

Eleven representations have been received in objection. The following material issues have been raised, all of which are addressed in the assessment:

- Too much hardstanding/development within the curtilage of the house; and
- Inappropriate development in the conservation area.

The following non-material issues were raised:

- Setting a precedent/retrospective applications;
- Loss of parking income; and
- Loss of trees.

Eight representations have been received in support. The following material issues have been raised, all of which are addressed in the assessment:

- The design is appropriate; and
- The development is appropriate in the conservation area.

The following non-material issues were raised:

- Safety when using the trampoline.

A full assessment of the representations can be found in the main report in the Assessment.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 22 May 2015

Drawing numbers/Scheme 01 - 03,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Mark Dunlop, Planning Officer

E-mail: mark.dunlop@edinburgh.gov.uk Tel: 0131 469 3642

Links - Policies

Relevant Policies:

The Grange Conservation Area Character Appraisal emphasises the high quality stone built architecture of restricted height enclosed by stone boundary walls, the uniformity resulting from the use of local grey sandstone for buildings and boundary walls and Scots slate for roofs, the formal and picturesque detached and semi-detached dwellings of generous scale and fine proportions, the low density grain of the area, and the spacious and uncluttered streetscape.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

**Application for Planning Permission 15/02191/FUL
At 20 Mansionhouse Road, Edinburgh, EH9 1TZ
Erection of timber deck with integrated trampoline (in
retrospect)**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 14/03230/FUL
At 189 Morrison Street, Edinburgh, EH3 8DN
Amendment to approved mixed use development to enable
Block C (Haymarket 3) to operate as a hotel and associated
modifications to Block B (Haymarket 4)**

Item number	5.8
Report number	
Wards	A11 - City Centre

Summary

The proposals are consistent with the objectives for the redevelopment of this part of the city and are supported by the development plan. The introduction of a hotel is acceptable and will support the regeneration aims and objectives for the Haymarket area. The development will be appropriate in terms of design, scale and materials. It will not impact on the historic environment or existing residential amenity or adversely affect road or pedestrian safety. The proposals are acceptable and there are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

SDP, SGCCRC, LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD7, CITD10, CITE1, CITE1, CITE6, CITE8, CITE9, CITE18, CITH5, CITEM1, CITEM5, CITR2, CITR6, CITR12, CITT1, CITT2, CITT3, CITR4, CITT5, CITT6, CITT14, NSG, NSGD02, NSBUS, NSMDV, NSLBCA, NSDCAH, OTH, CRPWEN, CRPNEW,

Report

Application for Planning Permission 14/03230/FUL At 189 Morrison Street, Edinburgh, EH3 8DN Amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4)

Recommendations

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

Background

2.1 Site description

The application site is the former Haymarket goods yard, located in the City's West End, opposite Haymarket Railway Station at the junction of Morrison Street and Dalry Road. The site occupies an area of 1.7 hectares and has been cleared. There are railway tunnels that run under the site at its northern end in an east-west direction.

The properties opposite, to the north, on Morrison Street are commercial at street level with two or three storeys of residential above. The properties from 266 Morrison Street onwards and around to West Maitland Street are category C(s) listed and were listed on 14.12.1970 (LB Ref: 47727).

To the north-west is Clifton Terrace with 2-storey properties rising to 4-storeys at the corner of Grosvenor Street. The uses are mixed commercial. Grosvenor Street is predominantly a residential street, characterised by 3-storey Georgian properties with attic accommodation. 1-25 and 2-24 Grosvenor Street are category B listed buildings, listed on 10.12.1964 (LB Ref: 28977 and 28978).

To the west, across Dalry Road, is the category B-listed Ryries public house situated on the Haymarket junction, listed on 09.02.1993 (LB Ref: 26926). Haymarket railway station sits further to the west and is A-listed, listed on 27.10.1964 (LB Ref: 26901).

Properties on Dalry Road are predominantly commercial with 2-storey residential use on the upper levels; these form part of the Dalry colonies.

To the south are wholly residential properties in the Dalry colonies, which are category B-listed; and the 4-storey developments of Morrison Crescent, and Fraser Court, which is sheltered housing.

Morrison Link, to the east, is solely occupied by the Premier Travel Inn within a 5-storey, sandstone building.

The site is not within, but is immediately adjacent to, both the West End Conservation Area, which runs along the north side of Morrison Street, and the New Town Conservation Area, which runs along the north side of Haymarket Terrace. Likewise the site bounds the World Heritage Site, on Morrison Street, but does not lie within its confines.

This application site is located within the Dalry Conservation Area.

2.2 Site History

5 November 2003 - Planning Permission was refused by the DQ Sub-Committee, contrary to officer recommendation, for the clearance of the existing car park and ancillary buildings to form a comprehensive redevelopment comprising retail, office, leisure, licensed premises, car parking and replacement public conveniences incorporating re-grading the site to adjacent street levels (02/03210/FUL). The development consisted of a seven storey office development over the site, with a major public arcade running west to east through the building,

The reasons for refusal related to:

- no positive contribution to the mixed use character of the surrounding area by failing to provide cultural or public uses;
- broad composition and detailed design is not of an appropriate quality and distinction;
- does not create new public spaces and points of interest;
- did not relate to the established character of the surrounding area; and
- did not address transportation infrastructure issues.

11 August 2004 - An application was recommended for approval at the DQ Sub-Committee for a comprehensive redevelopment comprising: retail, office, leisure, licensed premises, car parking and replacement public conveniences, proposals incorporate re-grading of the site to adjacent street levels. The application was referred to the Scottish Ministers and was subject to a Public Inquiry (04/00681/FUL).

31 July 2006 - Scottish Ministers granted planning permission following a Public Inquiry for the above development.

27 August 2008 - An application was recommended for approval at the DM Sub-Committee for the demolition of existing buildings and structures, re-grading of the existing car park and a comprehensive redevelopment comprising hotels, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (07/03848/FUL).

The application was called in by Scottish Ministers in order to consider the merits and impacts of the proposed development on the prominent gateway to the city centre, and on the city's skyline.

27 October 2009 - Scottish Ministers refused planning permission for the above development following a Public Inquiry.

The reasons for refusal related to:

- the 5 star landmark hotel failed to respect the grain and scale of the surrounding townscape; and
- the 5 star landmark hotel would not enhance the City's skyline and would not preserve the setting of the World Heritage Site or prominent listed buildings.

28 March 2011 – Planning permission was granted for the demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping/public realm and utilities infrastructure (10/02373/FUL).

Main report

3.1 Description Of The Proposal

The application seeks to amend the planning permission granted on 28 March 2011 for "demolition of the existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising a hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping / public realm and utilities infrastructure". This consented development comprises five blocks (A to E) which provide 44 000 square metres of office space, over 5000 square metres of retail and leisure space and a 245 bedroom hotel. Public realm, parking and access arrangements also form part of the consented scheme.

The current proposal is to amend Blocks H3 (C) and H4 (B).

H3 (Block C) is located in the south-east corner of the site, situated between the 3* hotel and Morrison Crescent. The building as consented, is for 6 storeys high and a maximum of 22 metres high. This building was to be used predominantly for offices (4,516 m² GIFA) with two small retail units located on the ground floor fronting onto the most southerly internal street. The external finishes to be sandstone cladding with metal framed glazing and an aluminium louvre system.

It is now proposed to replace the offices with a 190 bedroom hotel. This building will extend to seven floors, retaining the retail units at ground floor level, with the hotel reception at first floor level and bedroom accommodation over the five storeys above. Notwithstanding the additional storey, the overall height of the proposed hotel building is marginally lower than that of the approved office building given the floor to ceiling heights for hotel rooms are less than that required for office space.

H4 (Block B) is located to the east of the site, parallel to Morrison Link. As consented the building will be 7-storeys and will measure a maximum of 28 metres high. The building will have a centrally located, dual entrance onto both Morrison Link and the courtyard garden. The upper floors and the southern half of the ground floor is designed for office use (9,826 m² GIFA) with the remainder of the ground floor divided into two units that will accommodate retail, bar or restaurant uses. The proposed external finishes match those proposed for Block C.

The current proposal will introduce a small management suite to the south end of H4, resulting in a very marginal reduction in office floor space within this building.

These two buildings are physically separated under the consented scheme. The current proposals will connect these buildings at third storey level, infilling the gap at high level and forming a pend at the south east corner of the site, on the corner of Morrison Crescent and Morrison Street. The footprint of these buildings at ground floor level at this point will remain the same. The plan, however, differs on the upper levels from the second storey level.

The overall height at the south east end of H4 will be reduced by a storey height of approximately 4.4 metres at the point where H3 extends round the corner of the site and links with H4. The resulting building will remain at seven storeys despite a reduction in height, again due to the different design requirements between hotel and office use. This results in a more narrow plan form, which allows the development to be 'pulled back' at the south west corner from the existing colony residences.

There will be some changes to the architectural detailing to address the linking of the two buildings. All external materials remain as per the approved scheme reference 10/02373/FUL.

The following documents have been submitted in support of the application:

- Noise Assessment;
- Public Consultation Report;
- Planning Statement;
- Sustainability;
- Travel Plan;
- Ventilation Report and
- Design and Access Statement.

These are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

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 development is acceptable in principle in terms of meeting the Council's objectives for the central area;
- b) the proposed layout, scale, design and materials are acceptable;

- c) the development has an adverse effect on the City's skyline;
- d) the development will have an adverse impact upon the setting of the World Heritage Site, neighbouring listed buildings or the character and appearance of the adjoining conservation areas;
- e) the development adversely affects neighbouring residential amenity;
- f) the development raises any implications for road or pedestrian safety;
- g) there will be an adverse environmental impact;
- h) the proposal meets the requirements of the Edinburgh Standards for Sustainable Buildings;
- i) representations raise issues to be addressed; and
- j) the proposals have any equalities or human rights aspects that need to be considered.

a) Principle of the Development

Both Structure Plan and Local Plan policies support the principle of the proposed development on this site and this was established when the consented masterplan application was determined. The loss of office space, however, requires to be assessed. The proposal seeks to replace 5700 square metres of office space with hotel accommodation.

There is evidence that suggests there is a shortage of Grade A office space available and/or under construction within the City Centre and that this will be most pronounced between 2016 and 2020. It is also anticipated that there is likely to be a 'spike' in demand for office space in the next two years and therefore office developments completed during this time will be key to the city's economy. Edinburgh's key occupiers are approaching significant lease events, for example lease ends and break clauses. A shortage of office space is expected to drive increases in rents and potentially deter organisations from locating here. In order to fulfil the aims and objectives of the Edinburgh City Local Plan (ECLP) and the Second Proposed Local Development Plan (LDP), sites for existing and potential city centre high quality (Grade A) office space need to be protected and their potential realised. The introduction of a hotel here will result in the loss of consented Grade A office space.

There is also, however, a shortage of hotel accommodation within Edinburgh. Policy Emp 5 supports hotel development in the Central Area where it contributes to a mixed use scheme. A hotel has already been granted consent as part of the overall scheme and as such is a use which is compatible within this location.

The loss of office space at this location is regrettable as it would generate more jobs and economic output than hotel use. However, there are a number of factors that require to be considered. The site is recognised as one of the most strategically important developments in Edinburgh.

Previous proposals to develop the site have not progressed given the complexity of developing this site above the railway tunnels and the additional costs incurred to accommodate it. Block C (H3) will only deliver 10% of the total office floor space consented within the approved development, and as such, only a small proportion of the total number of jobs expected to be created. It is recognised there is also a shortage of hotel accommodation within the city, although demand is seasonal. Despite the expectation for there to be a shortage of office space in the future, there is currently a significant supply of vacant space. Economic Development has been consulted and, on balance, considers the proposal acceptable.

In view of the above it is considered that the introduction of a hotel is acceptable. It will introduce a use compatible with the mixed use development already consented contributing to the vitality of this part of the city. It will enable the development to progress, which, in turn will benefit the city's economic future given the importance of the Haymarket as a strategic development opportunity.

The proposal does not introduce any changes that would have any implications in terms of either the Haymarket Urban Design Framework or the Area Development Framework for the City Centre Southern Arc.

The principle of the proposed development is acceptable.

b) Scale, Design and Materials

The proposals primarily change Block C (H3). This is one of the smaller office buildings which terminates views through the site from the north and west. The proposed building retains the curved form to the east end, responding to the street on one side by providing a successful relationship with the modern four storey block on Morrison Street to the south east and with the triangular courtyard to the north. This block performs an important urban design function by accommodating and defining the entrance from the Fountainbridge area to the south. The generously scaled opening will remain between Blocks C and B, however, at third floor (level 002), the opening / 'gap' will be bridged through to roof level (006) joining the two blocks and creating a 'pend'. The opening at levels 00 and 01 will remain as that previously consented retaining a generous space drawing pedestrians into the site and affording views out of the site, albeit these will be more limited.

The plan depth of Block C will be reduced and the south west elevation will be drawn back, allowing a greater distance from the colonies (by approximately 8 metres). The south corner of the plan has been developed to present a 'gable' end to the gable on the adjacent housing block on Morrison Crescent.

The building will reflect the design and architectural language of that already consented and will sympathetically tie into Block B, completing this southern corner of the development.

The scale, design and materials are acceptable.

c) City Skyline

A full assessment of the impact of the proposed development on the City's skyline was undertaken when the previous application (ref. 10/02373/FUL) was determined. This concluded that there would not be any adverse impact on the skyline. A further assessment has been undertaken to ensure none of the key views will be impacted upon. The current proposals will not breach any of the heights as previously consented, indeed some of the heights are marginally lower.

The proposals will not impact on the City's skyline.

d) Historic Environment

A full assessment was undertaken on the impact of the proposed development on the World Heritage Site, adjacent Listed Buildings and the adjacent Conservation Areas. This concluded that the proposed development would not have a detrimental impact in terms of the historic environment. The current proposals do not introduce any issues that would impact on the WHS and the surrounding historic assets.

The site was identified as being within an area of archaeological significance and as a consequence a condition was imposed on the previous consent requiring a programme of archaeological work in accordance with a written scheme of investigation prior to the commencement of development. It is recommended that this condition be imposed on any consent granted to ensure the preservation and or recording of these archaeological remains.

e) Neighbouring residential amenity

A full assessment of the proposed development was undertaken in terms of its impact on daylighting, sunlight, overshadowing and privacy. This concluded that there would not be any detrimental effect on neighbouring residential amenity. The proposals do not introduce any issues with respect to these matters. Indeed, privacy distances between the development and the existing colonies will be improved.

In terms of noise, the previous application for the wider Haymarket site (ref. 10/02373/FUL) was granted consent subject to a number of conditions relating to noise mitigation measures. Environmental Assessment recommends that the relevant conditions are transposed to any consent granted to ensure appropriate noise mitigation measures are implemented to safeguard the amenity of residents in the colonies which are in close proximity to the development site. An informative is also recommended to ensure the developer is made aware that further implementation of noise mitigation measures may be necessary should complaints from residents arise.

The proposals will not have any detrimental impact on the amenity of neighbouring residents.

f) Road and Pedestrian Safety

The current proposals do not introduce any material change to the transport strategy (parking, site access and servicing and pedestrian access) already approved.

In terms of parking, provision already approved under the previous scheme is considered sufficient. The only change is for the introduction of two further motor cycle spaces which will be readily identified within the site. Site access and servicing will remain unaltered, allowing adequate provision for the proposed hotel use. Transport has not raised any objections but recommends that requirements under the legal agreement of the previous application are applicable to this application, and point out that there may be an increase in the tram contribution given the change of use.

There will be no implications on road or pedestrian safety.

g) Environmental Impacts

The site lies adjacent to the central Edinburgh Air Quality Management Area (AQMA). It is anticipated that the proposed changes to the development will not have an impact on air quality.

The proposed changes will not impact on the local wind environment or ground contamination.

h) Sustainability

The Edinburgh Standards for Sustainable Building identifies 6 principles that major developments are to address and sets thresholds for each criteria.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria.

i) Public Comments

There have been no third party representations received for this application.

j) Equalities and Human Rights Impacts

The proposed development will create an environment with improved public realm and will offer good access to transport and public places. It will provide job opportunities and training. The proposals will have a positive impact in respect of rights.

The development will be accessible for people disadvantaged by age, disabilities or pregnancy / maternity requirements in accordance with current standards. The proposals will have a positive impact in respect of equalities.

An Equalities and Human Rights Impact Assessment has been undertaken.

Conclusion

The proposed mixed use development is consistent with the objectives for the redevelopment of this part of the city and is supported by the development plan. The introduction of a hotel is acceptable and, despite concern over the loss of the proposed office space will enable the development of the wider site to progress. This will, in turn accomplish the regeneration aims and objectives for the Haymarket area.

It will introduce a form of development that is appropriate to its context in terms of design, scale and materials and it will not impact on the historic environment. There will be no impact on existing residential amenity, nor will there be any adverse impact on road or pedestrian safety. The proposals are acceptable in terms of sustainability. 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. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A fully detailed landscape plan, including details of all planting, including trees, shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
3. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.
4. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
5. The development shall be built in accordance with the requirements and recommendations of the noise impact assessments produced by WSP on behalf of the applicant - reference numbers 62000160-RPAC-0005 and 0004 dated 8th and 7th of August 2014 respectively.
6. The proposed stone and clad acoustic barrier detailed in acoustic assessment (62000160-004 dated 7th August 2014) and drawing number H2-CDA-A-L(PL)060 shall be implemented prior to occupation and maintain to approved standard.
7. The design, installation and operation of the substation shall be such that any associated noise complies with NR20 when measured within any nearby living apartment with the windows open for ventilation purposes.

8. Hours of deliveries and collections, including waste collections, to and from the main service yard shall be restricted to between the hours of 08.00 - 20.00, Monday to Saturday and 10.00 - 17.00 on Sundays.
9. The hotel and Class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, as agreed by the Head of Planning.
10. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
11. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
12.
 - i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
13. Prior to the commencement of work on each building, a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning. Thereafter, sample panels of the materials are to be erected and maintained on site as agreed by the Head of Planning.

Notwithstanding the approved plans, the hotel (Block D) shall not contain any white tiles and shall be finished in natural stone to the satisfaction of the Head of Planning.
14. Prior to the commencement of work on site a programme for the waste management facilities shall be submitted to and agreed by the Head of Planning. Thereafter, the agreed programme shall be implemented prior to the occupation of any part of the development.

15. Prior to the operation of the car park, details of its operation, including hours of operation, tariffs and measures to allocate parking, shall be submitted to and agreed in writing by the Head of Planning.
16. Prior to the occupation of the first office building, details of measures to control parking and waiting within the site shall be submitted to and agreed in writing by the Head of Planning. Thereafter the agreed measures shall be implemented in full within an agreed timescale.
17. Prior to the operation of the car park, details of the number, type, location and layout of the cycle/motorcycle parking shall be submitted to and agreed in writing by the Head of Planning. Thereafter the agreed measures shall be implemented in full within an agreed timescale.
18. Prior to the commencement of each block, full details of the numbers and the location of shower and locker facilities shall be submitted to and agreed by the Head of Planning. Thereafter the agreed measures shall be implemented in full within an agreed timescale.
19. Prior to the occupation of the first phase of the development a management plan for the restriction of traffic entering the site from Morrison Street shall be submitted and approved by the Head of Planning, this shall include any physical measures required to restrict traffic from entering the site and hours when vehicles will be permitted onto the route. Any further alterations to the approved management plan shall be agreed with the Head of Planning.
20. Notwithstanding the approved drawings and prior to the formation of the Dalry Road vehicular access and the occupation of the development, the developer shall carry out a further road safety assessment in relation to the formation of the access from Dalry Road and the approach from Morrison Street. This assessment shall be submitted to the Head of Planning for further approval. In the event that alternative access arrangements are required these shall be reported to the Development Management Sub-Committee for their formal approval.
21. Prior to the removal of the existing toilet provision on site, details of public toilet provision at street level, including means of operation and programme of implementation shall be submitted to and approved in writing by the Head of Planning. Thereafter, the works shall be implemented according to the agreed programme.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. In order to ensure that the approved landscaping works are properly established on site.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.
7. In order to safeguard the amenity of neighbouring residents and other occupiers.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. In order to safeguard the amenity of neighbouring residents and other occupiers.
11. In order to safeguard the amenity of neighbouring residents and other occupiers.
12. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
13. In order to enable the Head of Planning to consider this/these matter/s in detail.
14. In order to safeguard the amenity of neighbouring residents and other occupiers.
15. In order to enable the Head of Planning to consider this/these matter/s in detail.
16. In order to enable the Head of Planning to consider this/these matter/s in detail.
17. In order to ensure that the level of off-street parking is adequate.
18. In order to enable the Head of Planning to consider this/these matter/s in detail.
19. In order to safeguard the interests of road safety.
20. In order to safeguard the interests of road safety.
21. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. Consent shall not be issued until the existing legal agreement on the masterplan site has been amended, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to:
 - the Edinburgh tram network (there will possibly be an increase in the tram contribution due to this change of use).

3. 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.
4. 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.
5. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
6. Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Engineer before development can commence.
7. Details of all 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 Engineer 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 Engineer and are subject to a minimum prior notice period for booking of 20 weeks.
8. These proposals will require an application for Roads Construction Consent, and will include the requirement for a dilapidation Survey to be carried out in conjunction with the Roads Manager in the Services for Communities Department.
9. All works within or affecting the public road, including works on the footway, must be authorised in advance by the roads authority. Developers will be required to reinstate the footway at the location of those existing accesses, which are no longer required by the proposed development.

If the application involves the provision of new works within the Public Road boundary the proposals shall require the consent of the Council, as roads authority under Section 56 of the Roads (Scotland) Act 1984. This will require the applicant to obtain a Road Opening Permit. At the design and post construction stages a Road User Safety Audit approval may be required if stipulated. Also, to comply with Section 56 of the Roads (Scotland) Act 1984 approval for the detailed engineering design of the works including road geometry, drainage, lighting, signing and carriageway markings will be required at the design stage.

10. Prior to any works commencing on site, the applicant or subsequent developer should seek to conclude a Good Neighbour Agreement with any local community body. This shall include details of stakeholder engagement with the local community for the life of construction works on site. The drafting of this Agreement shall be in consultation with the local community and local Councillors; evidence of this process shall be submitted with the Agreement itself. Thereafter, the Good Neighbour Agreement should be submitted to the Planning Authority for modification or discharge.
11. 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.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

In line with planning legislation, a Proposal of Application Notice (14/00930/PAN) was submitted on 7 March 2014 to the Council as planning authority with a copy provided to Gorgie Dalry and West End Community Councils. Further consultation was carried out with the City Centre and South West Neighbourhood Partnerships, the Dalry Colonies Residents Association and all the local ward members.

A manned public exhibition was held at the Hilton Grosvenor Hotel on 29 April 2014, and a newspaper advert was published in the Edinburgh Evening News.

Outwith the consultation events, the applicants have also sought to engage with the Gorgie Dalry and West End Community Councils and the Dalry Colonies Residents Association and held meetings to explain the proposals more fully.

A copy of the Pre-Application Consultation report is available to view via the Planning and Building Standards Online Services.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 22 August 2014. There have been no representations received.

Background reading/external references

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

**Statutory Development
Plan Provision**

The application site is identified within the adopted Edinburgh City Local Plan as being within the Central Area. The site is also covered by the Haymarket Design Framework.

Date registered

12 August 2014

Drawing numbers/Scheme

01 - 20,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:**Relevant Policies of the Strategic Development Plan**

The City Centre Retail Core Supplementary Guidance sets criteria for assessing change of use of shop units within the City Centre Retail Core.

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 7 (New Pedestrian Routes in the City Centre) relates to the creation of new pedestrian routes in the City Centre.

Policy Des 10 (Tall Buildings) sets out criteria for assessing proposals for tall buildings.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 5 (Conversion to Housing) sets criteria for assessing the change of use to residential.

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Policy Emp 5 (Hotel Development) sets criteria for assessing sites for hotel development.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Ret 6 (Entertainment and Leisure Developments – Preferred Locations) identifies the Central Area, Leith & Granton Waterfronts and town centres as the preferred locations for entertainment and leisure developments.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Tra 14 (City Centre Public Parking) outlines the circumstances in which car parks in the Central Area will be supported.

Relevant Non-Statutory Guidelines

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 and landscape, in Edinburgh.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Other Relevant policy guidance

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices.

The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 14/03230/FUL At 189 Morrison Street, Edinburgh, EH3 8DN Amendment to approved mixed use development to enable Block C (Haymarket 3) to operate as a hotel and associated modifications to Block B (Haymarket 4)

Consultations

Economic Development - response dated 03/09/2014

The proposal seeks to modify an existing consent relating to a development at 189 Morrison Street: "The Haymarket". The consented development comprises five blocks (A to E) providing a total of 44,000m² (gross) of office space, over 5,000m² of retail and leisure space and a 245 bedroom hotel.

The proposal seeks to amend blocks B ("H4") and C ("H3"). The current consented design for block C is for a six storey building providing 5,700m² (net) of office space over five floors, with retail units on the ground floor. The proposal essentially seeks to replace the office accommodation with a 190 bedroom hotel. The proposal also seeks to reduce the size of block B to accommodate the changes to block C.

Context

The Haymarket is recognised by Economic Development as one of the most strategically important developments in Edinburgh. It is one of the "Edinburgh 12" - 12 flagship projects with the potential to support large increases in employment and economic output. Economic Development has worked closely with the developer to maximise the benefits to the city arising from the development.

The commercial units delivered by the development have the potential to support over 2,900 jobs. The emergence of a major office development in this location could help extend the centre of gravity of Edinburgh's traditionally highly centralised office market, making office locations previously perceived as peripheral such as Haymarket Terrace more attractive.

It is noted that several previous attempts to develop the site have been unsuccessful. The rail tunnels extending beneath the site present a unique and complex infrastructural challenge to the development of the site.

Market demand

There is an impending shortage of grade 'A' office space in Edinburgh. Evidence compiled by the Economic Development suggests the shortage will be most pronounced between 2016 and 2020 in the face of a muted development pipeline, rising demand and a spate of lease expirations. Office developments completing during this time period are therefore of key importance to the city's economy.

A shortage of office space is expected to drive increases in rents and potentially deter organisations from locating in Edinburgh.

There is also a shortage of hotel accommodation in Edinburgh, although given the highly seasonal nature of demand in Edinburgh, this is somewhat more complex. During the peak summer period, in particular over August, rents and revenue per available room in Edinburgh are among the highest in Europe. Festivals Edinburgh warned in August 2014 that high hotel prices could potentially deter tourists from visiting Edinburgh. A shortage of hotel accommodation is therefore also of concern, albeit the shortage is highly seasonal and the pipeline is somewhat healthier.

Edinburgh remains a somewhat challenging market for speculative office development. Although it is projected that there will be a major shortage in office supply in the near future, at present there are large quantities of empty space. The 18,500m² Atria development remains 44% empty, while the 2,500m² 145 Morrison Street development has been empty since completing in June 2013. Speculative developments are underway at Quartermile and St Andrew Square. Although demand is projected to outstrip supply, demand has not yet reached a point where speculative development is seen as low risk.

By comparison, demand for hotel properties in Edinburgh city centre remains buoyant, and a 190 bedroom hotel such as the one in question is likely to be readily capable of securing a pre-let.

Economic impact

Based on average employment densities, a 5,700m² (net) office building such as H3 could, if fully let, be expected to directly support approximately 475 jobs. By comparison, a three-star 190 bedroom hotel could be expected to support approximately 95 jobs. The proposed change could therefore be expected to reduce the number of jobs supported in H3 by 380.

The average productivity (defined as gross value added per employee per year) of a worker in the financial and business services sector in Edinburgh was £74,700 in 2011, while the average productivity of a worker in the accommodation sector was £22,400. The total projected annual output from the office scheme (475 employees) is therefore £35.5 million (2011 prices), while the projected output from the hotel scheme (95 employees) is £2.1 million (2011 prices) - a difference of £33.4 million per annum. It is important to note that this figure does not take into consideration the economic impact of visitors staying in the hotel spending money elsewhere in Edinburgh.

Overall remarks

The loss of 5,700m² of grade 'A' office space from the development pipeline is regrettable given the forecast shortage of office space. A basic examination of the economic impact of the two competing schemes suggests that the office scheme would support significantly more jobs and significantly higher economic output.

It is noted, however, that:

- (a) The necessary reinforcement of the rail tunnels adds costs and complexity to the scheme. There have been a number of unsuccessful attempts to develop the site in question in the past.*
- (b) The Haymarket is a development of strategic importance to Edinburgh's economy.*

(c) Block C accounts for a relatively small proportion of the total office space to be delivered by the development (approximately 10% of the gross floorspace) and, therefore, a small proportion of the total jobs the development is expected to create.

(d) There is also a shortage of hotel accommodation in Edinburgh, albeit demand patterns are highly seasonal.

(e) Although it is projected that there will be a shortage of office supply in the near future, speculative office developments in Edinburgh remain challenging due to the significant existing supply of vacant space.

It is therefore considered that the loss of the office space is acceptable from an economic development perspective if this is necessary to enable the wider development to proceed, given the strategic importance of the development as a whole.

This response is made on behalf of Business Partnerships.

Transport - response dated 08/09/2014

No objections to the application subject to the following:-

a) A real time information board to be provided and placed in the hotel foyer.

Informatives

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 existing Section 75 legal agreement for this scheme as agreed under the planning consent (10/02373 / FUL) will apply to this scheme.

c) There will possibly be an increase in the tram contribution due to this change of use.

Environmental Assessment - response dated 18 June 2015

The above mentioned planning application proposes amendment to detailed planning permission (Ref: 10/02373/FUL), granted by the City Council on 28 March 2011, for "demolition of existing buildings and structures, re-grading of existing car park and comprehensive redevelopment comprising hotel, offices, retail, commercial, leisure, public houses, restaurants, car parking and associated landscaping / public realm and utilities infrastructure" at 189 Morrison Street, Edinburgh.

The application proposes to amend the existing mixed use development to enable Block C (Haymarket 3) to operate as a hotel, together with associated modifications to Block B (Haymarket 4). The changes are broadly in accordance with the consented building envelopes and involve a change of use from office/retail use to hotel/retail use.

The proposed development site is situated in the south-eastern portion of the larger Haymarket development site adjacent to the residential properties at the colonies and Morrison Link road.

Noise

The planning application for the larger Haymarket Development (10/02373/FUL) was granted consent subject to a number of planning conditions, some of which refer to noise. These are detailed below;

- o No. 5. The acoustic barrier adjacent to the main service yard, as shown on the approved plans, shall be erected prior to the operation of the service yard and maintained effectively thereafter.*
- o No. 6. A scheme for protecting nearby residential accommodation from noise from delivery activities in the main service yard shall be submitted to and approved in writing by the planning authority; all works which form part of the approved scheme shall be installed in agreement with the Head of Planning prior to the service yard operating.*
- o No. 7. Hours of deliveries and collections, including waste collections, to and from the main service yard shall be restricted to between the hours of 08.00 - 20.00, Monday to Saturday and 10.00 - 17.00 on Sundays.*
- o No. 8. The hotel and Class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, as agreed by the Head of Planning.*
- o No. 9. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.*
- o No. 10. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.*

Environmental Assessment recommends that relevant conditions are transposed to any permission given to this application in order to protect amenity of local residents. This is discussed further below.

An Environmental Statement (ES) was submitted in support of the previous planning application for the larger Haymarket development which included a noise and vibration impact assessment. Further noise impact assessments were submitted in support of the current application following the same approach, which is predominately to prescribe mitigation measures to protect local residents who are located in the colonies in close proximity to the development site.

Noise from operations of the delivery yard is of the most concern. A specific noise impact assessment was compiled for assessment of service yard noise. Only daytime noise levels were considered as the service yard is conditioned to operate restricted hours, as per above conditions. It should be noted that the service yard operations are also conditioned by the previous consent through the requirement for a 3.6m high acoustic barrier, of suitable construction along the southern boundary of the service yard. The height, construction and alignment of this barrier is detailed within the most up to date report. It is recommended that a condition is put on any new permission given to compliance with these requirements.

The specific noise assessment for the service yard was undertaken by way of a BS4142 assessment [British Standard 4142:1997: Method for rating industrial noise affecting mixed residential and industrial areas].

This type of assessment is based on the likelihood of future complaints, whereby the difference in noise from the proposed activities (the rating level) is compared to the general background noise levels. The following criteria are used;

- o A difference of around +10 dB or more indicates that complaints are likely.*
- o A difference of around +5 dB is of marginal significance.*
- o If the rating level is 10 dB below the measured background noise level then this is a positive indication that complaints are unlikely.*

Overall the assessment concluded that noise emissions from the service yard will be below the criteria for "marginal significance" and therefore no further mitigation measures needed to be incorporated into the scheme. The rating level was +4dB above the background noise level. These results are borderline and not representative of all sensitive locations. Therefore the developer should be made aware that further implementation of noise mitigation measures may be necessary should complaints from residents materialise. An informative to this effect is recommended to be put on any permission given.

In terms of other noise impacts noise from the newly proposed sub-station was not fully assessed, therefore a condition is also recommended to ensure appropriate construction of such a structure that will control low level noise exposure to local residents.

Noise from plant and equipment - the development will incorporate a number of fixed mechanical and electrical plant items however details of any proposed plant, building services equipment, machinery or other sources of an industrial nature associated with the development are not available as yet as the design is not sufficiently progressed. As the previously conditioned larger Haymarket development site is restricted to meet noise criteria for this type of source, it is recommended that the same condition is transposed to any permission given for this application (i.e. standard NR25 condition).

In order to meet the internal noise level criterion for hotel bedroom accommodation detailed within BS 8233 and the WHO Guidelines, the worst affected façades will need to achieve the sound insulation values stipulated in the acoustic assessment. A condition is recommended to ensure all measures specified within the noise impact assessments are incorporated into the development.

Odour

The hotel kitchen ventilation system is to expel at roof height therefore it is expected cooking effluvia will disperse sufficiently so as not to affect amenity of local residents.

Air Quality

The site lies adjacent to the central Edinburgh Air Quality Management Area (AQMA). It is anticipated that the proposed changes to the development will not have an impact on air quality. That said, the developer should be advised that development of the car parking and servicing capabilities of the development should be undertaken in cognisance with current guidance. An informative is also recommended to this effect.

In conclusion, Environmental Assessment recommends support of the application, subject to the following conditions and informatives being put on any permission given; Conditions:

1. The development shall be built in accordance with the requirements and recommendations of the noise impact assessments produced by WSP on behalf of the applicant - reference numbers 62000160-RPAC-0005 and 0004 dated 8th and 7th of August 2014 respectively.

2. The proposed stone and clad acoustic barrier detailed in acoustic assessment (62000160-004 dated 7th August) and drawing number H2-CDA-A-L(PL)060 shall be implemented prior to occupation and maintain to approved standard.

3. The design, installation and operation of the substation shall be such that any associated noise complies with NR20 when measured within any nearby living apartment with the windows open for ventilation purposes.

[Conditions from the larger Haymarket development (10/02373/FUL) which remain relevant to this application;]

4. Hours of deliveries and collections, including waste collections, to and from the main service yard shall be restricted to between the hours of 08.00 - 20.00, Monday to Saturday and 10.00 - 17.00 on Sundays.

5. The hotel and Class 3 kitchens shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to roof level to ensure that no cooking odours escape or are exhausted into any neighbouring premises, as agreed by the Head of Planning.

6. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

7. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

Informatives

8. The developer may need to consider further noise mitigation measure in relation to the service yard operations should complaints materialise.

9. The developer shall investigate the installation of electric vehicle charging points with reference to Making the Connection - The Plug-in Vehicle Infrastructure Strategy, Office for Low Emission Vehicles (June 2011).

Network Rail - response dated 08/09/2014

Whilst Network Rail has no objections in principle to the proposal, due to its close proximity to the operational railway, we would request that the following matters are taken into account, and if necessary and appropriate included as conditions or advisory notes, if granting the application:

Construction works 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.

o Details of all 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 Engineer 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 Engineer and are subject to a minimum prior notice period for booking of 20 weeks.

The developer must contact our Asset Protection Engineers regarding the above matters, contact details below:

*Network Rail Asset Protection Engineer
Buchanan House, 58 Port Dundas Road
Glasgow, G4 0LQ*

We trust full cognisance will be taken of these comments. We would be grateful if Local Planning Authorities would provide a copy of the Decision Notice.

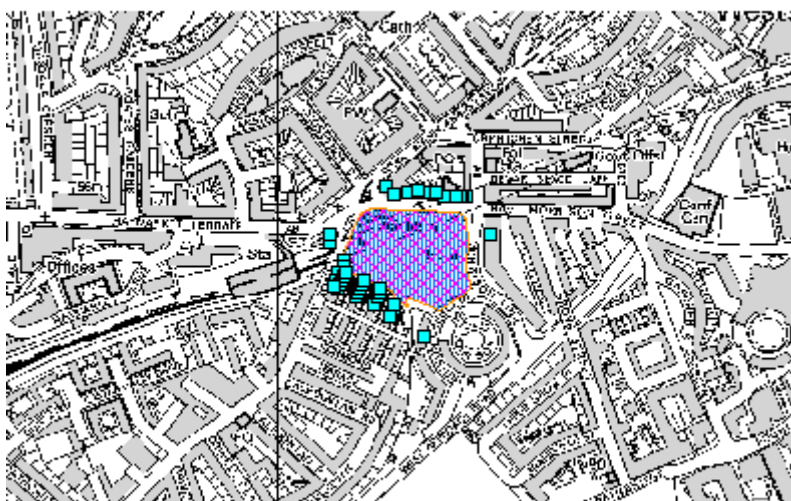
Police Scotland - response dated 27/08/2014

I am writing on behalf of Police Scotland, there are no comments that I would make, as the development has been subject of direct consultation with Police.

Historic Scotland - response dated 29/08/2014

We have considered your consultation and have no comments to make on the proposals. We confirm that your Council should proceed to determine the application without further reference from us.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/01904/FUL
At 54 Newbattle Terrace, Edinburgh, EH10 4RX
Demolition of existing dwelling house and erection of new 7
unit apartment block.**

Item number	5.9
Report number	
Wards	A10 - Meadows/Morningside

Summary

The proposal complies with the development plan and the Council's Edinburgh Design Guidance. The scale, form and design are acceptable and the proposal will not result in an unreasonable loss to neighbouring amenity. There are no traffic or road safety issues. There are no material considerations to outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD3, CITD6, CITH1, CITH3, CITH4, CITH6, CITT4, CITT5, NSG, NSGD02,
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Report

Application for Planning Permission 15/01904/FUL At 54 Newbattle Terrace, Edinburgh, EH10 4RX Demolition of existing dwelling house and erection of new 7 unit apartment block.

Recommendations

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

Background

2.1 Site description

The application site comprises a two-storey, detached dwelling house set to the front of its feu. The application site measures 17.8 metres along its road frontage with a depth of 40 metres and an overall area of 722 square metres. It is located on the southern side of Newbattle Terrace, midway between its junction with Falcon Gardens to the east and its junction with Morningside Road to the west, within a predominantly residential area.

The site slopes downhill from Newbattle Terrace to its southern boundary and also gently across the site from west to east. The garden ground is predominantly laid out to lawn with some planting and individual trees to the boundaries. The rear and side boundaries are formed of hedgerows and fencing. To the front is a low wall with metal railing above.

The existing property is faced in a dry dash render under a tiled roof.

The site has an existing vehicular and pedestrian access located to the east of the site frontage with a drive that slopes down to the garage.

To the east of the site, there is a stone built, two-storey terrace, terminating at the Falcon Gardens junction. To the west, there is a four storey, flatted block under construction.

To the south there is a stone-built, four-storey tenement block set below the site level fronting Falcon Avenue. The layout and character of the area to the south side of Newbattle Terrace and beyond is that of terraced and tenement properties.

There are two listed buildings, at No 5 Newbattle Terrace category B listed on 14th December 1970 (ref. 27635) and 7 Newbattle Terrace Category C listing (ref. 27640) listed on 30th March 1993, immediately opposite the application site. They are detached villas set back within their respective feus, behind substantial stone boundary walls and supplemented by mature trees and garden planting.

To the north side of Newbattle Terrace, the properties are large, stone-built villas set within large feus. These properties form the southern boundary of the Merchiston and Greenhill Conservation Area. To the east of Falcon Gardens is the western boundary of the Grange Conservation Area. The site itself is not in a conservation area.

2.2 Site History

The relevant site history is:

50 Newbattle Terrace

26 June 2014 - Planning permission was granted for the demolition of an existing 18 unit apartment block and the erection of a new 11 apartment block over four storeys (planning application number 14/00070/FUL).

52 Newbattle Terrace

10 December 2014 - Planning permission was granted for the demolition of existing dwelling house and erection of new 7 unit apartment block. (planning application number 14/03188/FUL)

Main report

3.1 Description Of The Proposal

The application proposes the demolition of the existing dwelling house and erection of new 7 unit apartment block.

The new block will be four storeys in height, will be set back from the road and the neighbouring development at No 52 Newbattle Terrace and the existing residential property at 58 Newbattle Terrace. Parking is proposed at underground level and above this there are four floors of residential accommodation with two, dual-aspect flats on each of the first three levels and a single, dual aspect flat on the top floor.

The proposal is designed to form a continuation of the previously approved flatted developments on the adjacent sites at 50 and 52 Newbattle Terrace, granted planning permission on 26 June 2014 (Ref 14/00070/FUL) and 10 December 2014 (Ref. 14/3188/FUL).

Vehicular access will be taken through the adjoining flatted block at the under-croft level. It is proposed to extend the approved under-croft car parking area from 17, as approved, to 26 parking spaces, to serve a total of 25 properties. In addition cycle provision of 28 spaces will be provided.

The development comprises six 2-bed and one 4-bed properties;

To the rear south-eastern corner of the site it is proposed to erect a secure, 28 cycle storage structure measuring 9 metres in depth by 3 metres in width to an overall roof height of 4.6 metres.

The footprint of the proposed building measures 313.87 square metres, equivalent to 44% of the overall site area. This compares with the existing building at 133 square metres, equivalent to 18.5% of the overall site area. The proposal would result in an area of external hard standing to both the front and side elevations, providing stepped and ramped access from the public road, to the front of the building, and to the side to the proposed cycle storage building at the rear of the site. The rear garden area will be 258 square metres, equivalent to 37% of the overall site area.

The building has maximum overall dimensions of 17 metres in width and 18.5 metres in depth. It measures 11.7 metres in height at the front elevation at its highest point and 14 metres at the rear.

The front elevation of the building is to be predominantly faced in natural buff coloured sandstone, over an under-build comprised of random stone filled gabion baskets. The flat roof is to be formed of a grey coloured, single ply membrane. To the sides and rear this will be a smooth cement render. There is stained timber cladding details to the front windows with dark grey coloured metal cladding at the top floor level. The windows are to be dark grey, aluminium framed double glazed units.

Supporting Information

The application is supported by the following documents:

- Design and Access statement together with 'Sun-path Analysis Diagrams' detailing both the existing and proposed sun paths and the associated impact on the neighbouring properties.

This is available to view on the Planning and Building Standards on-line services.

3.2 Determining Issues

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 principle of the proposal is acceptable in this location;
- (b) the scale, form and design of the proposal are acceptable;
- (c) the proposal preserves the setting of a listed building and conservation area;
- (d) the proposal affects road safety;

- (e) the proposal would result in any drainage issues;
- (f) the proposal will result in an unreasonable loss of neighbouring amenity;
- (g) the proposal provided sufficient amenity for the future occupiers of the development;
- (h) the proposal has any equalities or human rights impacts;
- (i) the proposal comply with sustainability criteria; and
- (j) comments raised have been addressed.

a) The Acceptability of the Proposal in this Location

The application site lies within the defined urban area of the city where policy Hou 1 permits residential development on other suitable sites provided the proposals are compatible with other policies in the development plan.

The application falls below the minimum threshold set for any requirement for affordable housing or contributions towards the alleviation of any accommodation pressures on any nearby schools.

Policy Hou 6 seeks to resist the loss of housing without suitable justification. In this instance whilst the proposal would represent a loss of the existing housing on the site this would be replaced by new housing.

Overall, in principle the proposal is acceptable subject to compliance with other provisions of the development plan.

b) Scale, Form and Design (Materials)

The proposal takes its position, height and form from the existing street layout on the south side of the road and the townhouse development under construction at 50 and 52 at Nos 50 and 52 Newbattle Terrace (Ref 114/00070/FUL and 14/03188 FUL).

Policy Hou 4 seeks to ensure an appropriate level of density on any application site.

The proposed density of residential units is in keeping with the tenemental and terraced block character of its immediate surroundings. Overall the proposed density for the site would be appropriate in this instance.

The density, scale and character of the residential properties on the northern side of Newbattle Terrace are significantly different. They stand within the Merchiston and Greenhill Conservation Area and Newbattle Terrace forms the boundary and represents a distinct break in the respective character and appearance of the development on either side.

The height, form and mass of the proposals seek to replicate the prevailing form in the wider streetscape.

The building would be slightly lower than the town house development to the west but higher than the adjacent terraced stone block to the east and, as identified in the 'street elevation' plan is proportionate to the overall appearance of the streetscape.

In terms of the design, the building continues the strong terraced form on this side of the street. It represents an acceptable, contemporary form which together with a 'solid to void' relationship and use of stone to the front elevation allows the development to relate well to the remainder of the terraces on either side. The contrasting dark grey coloured metal cladding to the upper floor helps to reduce the overall appearance whilst ensuring a suitable termination to the building. The architectural appearance and horizontal form are appropriate to the site and its immediate surroundings.

The proposal fills the width of the site. There is a small element of separation with the neighbouring site to the east but otherwise this is appropriate to the prevailing terraced form. The under-croft area accommodates the necessary level of parking provision in a suitably unobtrusive manner.

The existing vegetation to the front of the site, will be removed but replaced with low level planting which would make a contribution to the wider overall appearance and amenity of the area. Other trees to the rear of the site will be retained.

Concerns have been raised that the proposal may affect the existing colony of swifts that nest in the vicinity. It seems that the neighbouring property contains an active swift nest. Swifts return to the same nest year after year; it may be that the flight line access to the existing nest is affected by any adjacent development. An appropriate informative is attached.

Accordingly, the proposed scale, form and design are acceptable in this instance.

c) Setting of a Listed Building and Conservation Area

There are two listed buildings, at No 5 Newbattle Terrace category B listed on 14th December 1970 (ref. 27635) and 7 Newbattle Terrace Category C listing (ref. 27640) listed on 30th March 1993, immediately opposite the application site. They are detached villas set back within their respective feus, behind substantial stone boundary walls and supplemented by mature trees and garden planting. Accordingly, the public road represents a substantial break in the character, density and townscape between the northern and southern sides of Newbattle Terrace. Consequently, the setting of those listed buildings would be suitably separated from the proposal and as such there would be no detrimental impact on their setting as a result of the proposals.

The proposal is appropriate in terms of its general form and appearance with the urban form to the southern side of Newbattle Terrace and would not impact on the conservation area which includes the properties on the northern side. This assessment is detailed in section 3.3(b) above.

d) Road Safety Issues

The applicant has provided additional information regarding the layout of the vehicular access, facilities to enable vehicles to enter and leave the site in a forward gear and the proposed cycle parking facilities on the site. These meet with the necessary requirements for a scheme of this scale.

Transport has raised no objections to the proposal on road safety grounds but request a contribution of £2000 to progress the necessary traffic order to amend the controlled parking. It is recommended that this be delivered through a legal agreement.

The proposal is satisfactory in terms of road safety and car parking.

e) Drainage

Concerns have been identified regarding drainage issues and likely run-off into gardens of Falcon Avenue. However, the site is presently used for residential use and, subject to adequate drainage connection and surface water run-off, would be matters between the developer and Scottish Water as the infrastructure provider and controlled at the Building Warrant stage of the applicant.

f) Neighbouring Amenity

In terms of overshadowing, the building is west of a neighbouring terraced property sub-divided into flats and extends to a maximum depth of 3 metres beyond the rear elevation of that property. Consequently there would be some impact on the rear garden space.

Whilst the rear garden of the neighbouring dwelling house faces south, with the benefit of direct sunlight for a good proportion of daylight hours, the proposal will result in some impact in the afternoon.

The applicant has submitted supporting information in the form of a sun-path assessment showing the impact of the existing and the proposed built forms on the site. This identifies an element of impact in the late afternoon but it is within acceptable parameters. Accordingly, the proposal would not result in a detrimental overshadowing impact on the neighbouring properties.

Otherwise, the development is located to the north of the Falcon Avenue tenement. Therefore, all overshadowing in that direction would be wholly retained within the application site. To the west, the proposal would stand in a gable-to-gable position with the neighbouring townhouse development.

The proposed cycle store in the rear garden ground is located adjacent to the boundary with 58 Newbattle Terrace and is greater in height by 0.7 metres than the existing boundary wall. Any overshadowing would not result in a detrimental overshadowing impact on the neighbouring properties.

The proposal has kitchen windows to the side elevation, where the neighbouring building has windows at first floor level there will be no direct overlooking from the new windows.

The proposed windows in the rear elevation are located a minimum of 14 metres from the rear boundary wall and 30 metres from the rear elevation of the neighbouring tenement building at Falcon Avenue.

As such there would be no detrimental levels of overlooking resulting from the proposed development to any of the neighbouring properties.

g) Amenity of Future Occupants

The area of open space, its form and layout and depth to the rear boundary would provide an adequate provision that would meet the needs of the future residents of the proposed development. The level of useable open space provided on the site is in keeping with the requirements of Policy Hou 3 Private Open Space in the Edinburgh City Local Plan.

The size of the proposed units has a minimum floor internal floor area which exceeds the minimum identified in the Edinburgh Design Guidance to ensure satisfactory residential amenity.

The proposal provide sufficient amenity for the future occupiers of the development.

h) Equalities and Human Rights Impacts

The application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on the Planning and Building Standards online service.

i) Public Comments

Material Representations in Objection

- unclear if this is a private or social housing development - assessed in section 3.3(a) and found that there is no requirement for affordable housing provision on the site;
- height compared with Nos 52 and 54 Newbattle Terrace - assessed in section 3.3(c) and found that the proposal represents a suitable and appropriate height within the streetscape;
- density/cramming affecting the scenic quality of the area – assessed in section 3.3(a) and found that the density is acceptable;
- out of character as the density on the opposite side of Newbattle Terrace is much lower - assessed in section 3.3(c) and found that there is a distinct break between the north and south side of Newbattle Terrace and that both are significantly different;
- proposal is much larger than the existing building - assessed in section 3.3(c) and found that although larger the proposal is proportionate to the prevailing street character;

- plans do not show a relationship of height with adjoining properties – assessed in section 3.3(b) and found the height is in keeping with the heights of the surrounding buildings ;
- the proposal will add to the present parking pressures in the area - assessed in section 3.3 (d) and found no issues;
- drainage issues and likely run-off into gardens of Falcon Avenue properties – these would be matters with the developers and Scottish Water as the infrastructure provider and is controlled at the Building Warrant stage of any development;
- proximity to boundary equals an intrusion to privacy – assessed in section 3.3 (f) and found no unacceptable loss to privacy; and
- increased overshadowing and loss of views – assessed in section 3.3 (f) and found no unacceptable overshadowing;

Non-material Representations

- plans available on the Council website are deceiving and do not provide sufficient detail;
- noise during building works; and
- increased dust resulting in health problems.

Community Council Comments

Morningside Community Council objects to the proposal on the following reasons:

- further development in a style inconsistent with the character of the street assessed in section 3.3(b);
- adversely affect the residential amenity of nearby properties – assessed in section 3.3(b); and
- should permission be granted a contribution should be provided to upgrade the condition of the road - assessed in section 3.3(d).

Conclusion

In conclusion, the proposals comply with the development plan and the Council's Edinburgh Design Guidance, maintain the character and appearance its immediate surroundings and would not prejudice road safety or residential amenity. 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. Before construction commences the design, layout and specification of cycle parking shall be submitted to and approved by the Council, as planning authority.

Reasons:-

1. In order to safeguard the interests of road safety.

Informatives

It should be noted that:

1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-
 - a. In accordance with the Council's LTS TravPlan3 policy it is requested that the developer is conditioned, or required by legal agreement (as considered appropriate) to provide every new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The Welcome Pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development; and
 - b. Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:
 1. A draft Travel Plan and Management Agreement to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date. It is expected that the Travel Plan will make provision towards a financial contribution. This is expected to form part of the public and sustainable transport information pack made available to initial residents in order to help embed public transport habits and encourage modal shift;

2. Electric vehicle charging outlets should be considered for this development which includes:
 - Dedicated parking spaces with charging facilities; and
 - Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
3. new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only.
6. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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 is not subject to 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

The application was neighbour notified on 1 May 2015 and attracted 18 letters of representation, all of which are objections to the proposal. These included comments from Morningside Community Council and Cockburn Association and residents.

Material Representations in Objection

- unclear if this is a private or social housing development;
- height compared with Nos 52 and 54 Newbattle Terrace;
- density/cramming affecting the scenic quality of the area;
- out of character as the density on the opposite side of Newbattle Terrace is much lower;
- proposal is much larger than the existing building;
- plans do not show a relationship of height with adjoining properties;
- the proposal will add to the present parking pressures in the area;
- drainage issues and likely run-off into gardens of Falcon Avenue properties;
- proximity to, plus fall in terrain, equals an intrusion to privacy; and
- increased overshadowing and loss of views;

Non-material Representations

- plans available on the Council website are deceiving and do not provide sufficient detail;
- noise during building works; and
- increased dust resulting in health problems.

Community Council Comments

Morningside Community Council objects to the proposal on the following reasons:

- further development in a style inconsistent with the character of the street;
- adversely affect the residential amenity of nearby properties; and
- should permission be granted a contribution should be provided to upgrade the condition of the road.

A full assessment of the representations can be found 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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site lies within the Edinburgh City Local Plan.

Date registered

22 April 2015

Drawing numbers/Scheme

1-15,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail:jennifer.zochowska@edinburgh.gov.uk Tel:0131 529 3793

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 6 (Loss of Housing) identifies the circumstances in which the change of use of an existing dwelling to another use will be permitted.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Relevant Non-Statutory Guidelines

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 and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 15/01904/FUL At 54 Newbattle Terrace, Edinburgh, EH10 4RX Demolition of existing dwelling house and erection of new 7 unit apartment block.

Consultations

Transport Planning

I would be pleased if the application could be continued.

Reason:

- 1) *The applicant should be asked to:*
 - a) *clarify the number of parking spaces being proposed for this application. The Lower Ground Floor Plan shows 8 spaces but indicates 9 and the application form states 7 parking spaces;*
 - b) *clarify the total parking numbers for the development site as a whole (no. 50, 52 & 54);*
 - c) *provide a Ground Floor Plan for the whole development;*
 - d) *provide a swept-path diagram to demonstrate that a vehicle can enter and exit the parking area in forward gear, in the interests of road safety;*
- 2) *The proposed vehicular access to be by means of a dropped kerb and not bellmouth opening;*
- 3) *Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. The Hi-Lo Cycle Stand as previously proposed under the 14/03188/FUL application and which we have not been consulted on does not meet the Council's criteria as it does not support the frame of the bike (upper bike especially);*

Note:

The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:

1. *A draft Travel Plan and Management Agreement to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date. It is expected that the Travel Plan will make provision towards a financial contribution. This is expected to form part of the public and sustainable transport information pack made available to initial residents in order to help embed public transport habits and encourage modal shift;*
2. *Electric vehicle charging outlets should be considered for this development which includes:*
 - o *Dedicated parking spaces with charging facilities.*
 - o *Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

3. *new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only;*
4. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
 - a. *In accordance with the Council's LTS TravPlan3 policy it is requested that the developer is conditioned, or required by legal agreement (as considered appropriate) to provide every new resident with a Welcome Pack, containing a high quality map of the neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The welcome pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development.*
 - b. *Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded. The applicant to provide the necessary TRO drawings.*

Further comments

Subsequent to additional information being provided I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. *The design, layout and specification of cycle parking to be to the satisfaction of the Head of Transport. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels/frame. The Hi-Lo Cycle Stand as proposed under the 14/03188/FUL application does not meet the Council's criteria as it does not support the frame of the bike (upper bike especially).*

Note:

The applicant has put forward three separate applications for what is now a single building with shared access and underground parking. If the application had come forward for the building as a whole (25 apartments), then the following would have been requested:

1. *A draft Travel Plan and Management Agreement to be submitted to the Head of Transport for approval prior to first occupation and a final Travel Plan within 12 months of that date. It is expected that the Travel Plan will make provision towards a financial contribution. This is expected to form part of the public and sustainable transport information pack made available to initial residents in order to help embed public transport habits and encourage modal shift;*
2. *Electric vehicle charging outlets should be considered for this development which includes:*
 - o *Dedicated parking spaces with charging facilities.*
 - o *Ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*
3. *new residential properties in the extended Controlled Parking Zone, are eligible for one residents' permit per property only;*
4. *Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-*
 - a. *In accordance with the Council's LTS TravPlan3 policy it is requested that the developer is conditioned, or required by legal agreement (as considered appropriate) to provide every new resident with a Welcome Pack, containing a high quality map of the*

neighbourhood, showing cycling, walking and public transport routes to key local facilities, plus timetables for local buses and trains. Each welcome pack should also include at least a month's bus or rail travel vouchers for each new household. The Welcome Pack to be agreed in writing with the Head of Transport prior to the first occupation of any property in the development;

b. Contribute the sum of £2,000 to progress the necessary traffic order to amend the controlled parking and for the remarking of all road markings in the event that the amendment is concluded. The applicant to provide the necessary TRO drawings.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 14/02158/FUL
At 181 - 183 Canongate, Edinburgh, EH8 8BN
Alterations including installation of twin 150mm diameter
flue ducts to rear elevation and change of use of existing
shop premises (Class 1 Shops) to form restaurant (Class 3
Food and Drink). (Amended description)**

Item number	6.1
Report number	
Wards	A11 - City Centre

Summary

The proposed alterations would not adversely affect the character and appearance of the conservation area or the setting of listed buildings. However, the proposed change of use would adversely affect the character of the Speciality Shopping Street and that of the locality and would therefore fail to comply with the development plan and Edinburgh planning guidelines.

Outcome of previous Committee

This application was previously considered by Committee on 03.06.2015.

Reasons for Refusal - This application was recommended for approval. The Committee decided to refuse the application and it is returning to Committee to agree the reasons for refusal as set out in the addendum in section 3 of the report.

Links

<u>Policies and guidance for this application</u>	CITD11, CITD12, CITE4, CITE3, CITE6, CITCA1, CITR11, CITR12, NSG, NSLBCA, NSBUS, CRPOLD,
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Report

Application for Planning Permission 14/02158/FUL At 181 - 183 Canongate, Edinburgh, EH8 8BN Alterations including installation of twin 150mm diameter flue ducts to rear elevation and change of use of existing shop premises (Class 1 Shops) to form restaurant (Class 3 Food and Drink). (Amended description)

Recommendations

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

Background

2.1 Site description

The application property comprises a double ground floor commercial unit within 4-5 storey tenemental blocks to the north side of Canongate. Residential properties are located to the upper floors.

Nos. 183-187 (Odd nos.) Canongate are category B listed (LB reference:-28434, Date of listing 14 December 1970). Dated 1677 but predominantly rebuilt, 1956 by Robert Hurd. No. 181 Canongate the east is unlisted.

The frontage to No.181 is setback from that on No.183, being situated within a covered arcade. A path leading to Gladstone Court to the rear is situated immediately to the east of No.181.

Both buildings feature a painted harl finish (cream and terracotta) to their rear elevations, with single storey outshot featuring pantiled roof.

The application property is located within a designated Speciality Shopping Street and features a mix of Class 1 retail uses, these interspersed with Class 3, Food and Drink uses, residential, office and public buildings.

The property lies in the Old Town Conservation Area and Edinburgh World Heritage Site.

2.2 Site History

30 July 1997 - Planning permission granted for change of use from unoccupied office to shop (Application reference;- 97/00978/FUL).

13 March 1996 - Permission granted for a temporary change of use from retail to office for approx. 6 months (Application reference;- 96/00008/CEC).

30 March 1994 - Permission granted for change of use from retail unit to offices (in retrospect) (Application reference;- 94/0377/FUL).

Main report

3.1 Description Of The Proposal

The application proposes a change of use to the ground floor commercial unit from Class 1 (Shops) to Class 3 (Food and Drink).

External alterations would comprise the installation of twin flue ducts (150mm diameter) to the rear elevation of the listed 183 Canongate, these rising from the roof of the single storey outshot to a position above the eaves of the main building. The rear outshot would house the proposed ventilation plant.

Minor internal alterations are identified within the listed interior of No.181, although these cannot be determined within the scope of this planning application.

No external changes are identified for the shopfronts or advertising.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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 proposed change of use is acceptable;
- b) the proposal would be detrimental to neighbour amenity;
- c) the proposed alterations are acceptable and would not adversely affect the character and appearance of the conservation area or the setting of listed buildings;
- d) the proposals would result in transport impacts;

e) the proposals raise equalities or human rights impacts; and

f) that representations have been addressed.

a) Change of use

The application property lies within a Speciality Shopping Street as designated in the Edinburgh City Local Plan (ECLP). Policy Ret 11 states that applications for changes of use should consider whether the proposal would be to the detriment of its special shopping character, and where located within a predominantly commercial area whether the units would be compatible with the character of the area.

The section of frontage in which the application premises are situated comprises mainly Class 1 retail uses to the ground floors with residential uses above. A single Class 3 use is evident within the frontage with the Tolbooth Tavern public house situated to the east. Commercial uses form part of the established character of the wider street with Class 1 retail and Class 3 Food and Drink uses interspersed with residential uses, office and public buildings.

It is considered that the proposed introduction of a Class 3 food and drink use within this property would complement the mix of uses evident within the street and would not be to the detriment of its special shopping character. The proposed change of use would also maintain the premises for small business use and there is no clear justification to retain the unit in shop use to meet local needs. The proposal would therefore meet the requirements of ECLP Policy Ret 11, parts c) and d).

Policy Ret 12 states that the change of use of a shop unit or other premises to a licensed or unlicensed restaurant or café will not be permitted if it is likely to lead to an unacceptable increase in noise, disturbance, on-street activity or anti social behaviour to the detriment of living conditions for nearby residents. Impacts on the amenity and living conditions of neighbours are further addressed in section 3.3b) of the report. There are a range of Class 3 Food and Drink uses in the locality, including cafes, restaurants, public houses and hot food takeaways, which form part of its mixed use character. However, it is not considered that this proposed change of use would lead to an excessive concentration of such uses to the detriment of living conditions of nearby residents.

The nature of the proposal would be supported by ECLP Policy Ca 1 in that the development would maintain and enhance the attractiveness, vitality and viability of the city centre, and a mix of uses appropriate to the location of the site and surrounding area.

In summary, the proposed use would not be detrimental to the character of the speciality shopping street or the locality, would not result in an excessive concentration of such uses or be detrimental to the living conditions of nearby residents.

b) Residential Amenity

Environmental Assessment has commented on the proposals and reviewed the Noise Assessment submitted by the applicant.

This document has considered the potential noise impacts from the operation of a Class 3 use, including the operation of the proposed ventilation plant.

The Noise Assessment has identified that noise attenuation measures such as insulation to the internal ceilings and ventilation plant would maintain acceptable levels of amenity to the residential properties above the application premises.

The proposed ventilation ducting would be placed on the rear elevation allowing cooking odours to be exhausted at roof level away from residential properties, this being similar to comparable situations across the city. The proposed arrangements for ventilation are considered acceptable.

The operation of a Class 3 use, including opening hours and the sale of alcohol would be controlled through the licensing regime. The application site is situated within the Central Area, which is characterised by a mix of uses including food and drink premises interspersed with commercial and residential properties.

It is not considered that the proposed nature of the Class 3 restaurant use would result in an unacceptable increase in noise, disturbance, on-street activity or anti social behaviour to the detriment of living conditions for nearby residents. The proposal would therefore meet the requirements of ECLP Policies Ret 12 and Des 11 in that they would not be detrimental to neighbourhood amenity and character.

It is recommended that prior to the use being taken up, the extract flue and ventilation system are fully operational and this matter will be controlled through condition. Measures relating to noise protection and the installation of ducting will be highlighted to the applicant through informative.

In summary, the proposed change of use and nature of the alterations would not be detrimental to the amenity of neighbours. An appropriate range of mitigation measures have been identified and the proposals are acceptable.

c) Conservation Area Character and Setting of Listed Buildings

The Old Town Conservation Area Character Appraisal identifies the following in relation to the application site;-

The spatial structure of the Old Town is a microcosm of urban development, reflecting the multiple layering of built heritage and responding to the drama of the site's topography and setting.

The survival of the little altered medieval 'herringbone' street pattern of narrow closes, wynds and courts leading off the spine formed by the Royal Mile.

The many important vistas and views in, out and within the area.

The stepped, and pitched angled roofscape articulated by narrow dormers, crow stepped gables, pediments, towers, spires, skews, chimney heads to provide interest.

The external alterations are limited to twin flue ducts to the rear elevation of the listed No. 183 Canongate.

Whilst the rear elevation of the building is visible in views from the north including from the New Waverley development site, the presence of the proposed flues could be effectively mitigated through the use of an appropriate colour scheme to match that of the adjacent painted harled finish. This matter could be dealt with by condition. Although the highest point of the flues would project above the level of the eaves, this would not be detrimental to the architectural features of the listed building or the character of the roofscape.

No proposals for external signage have been identified as part of the application. The requirement for additional permissions, e.g. Advertisement Consent, will be highlighted through an informative.

The nature of the proposal would accord with Council guidance and would not adversely affect the setting of the listed building or the character and appearance of the conservation area.

d) Transport

No dedicated parking is identified as part of the proposal. However, it is not considered that the nature of the proposed Class 3 use would generate additional levels of traffic. The area is also subject to on-street parking restrictions, including single yellow lines and controlled parking bays.

Private parking spaces and service access are also available in Gladstone Court to the rear of the building.

The proposed change of use would not result in adverse transport impacts.

e) Equalities and Human Rights

The proposals would not raise equalities or human rights issues.

f) Representations

Material considerations

Erosion of retail character and over provision of food and drink uses- addressed in section 3.3a) of the report.

Increase in noise and disturbance to residents arising from proposed restaurant use, particularly arising from evening trading - addressed in sections 3.3a) and b) of the report.

Parking issues, increase in traffic levels and congestion -addressed in section 3.3d) of the report.

Loss of amenity to residents arising from plant noise, cooking odours and waste storage - addressed in section 3.3b).

Non-material considerations

Drainage issues, with problems exacerbated by proposed commercial cooking and waste process - not a material planning consideration.

In conclusion, the proposed change of use would not adversely affect the character of the Speciality Shopping Street or that of the locality or result in adverse impacts to the amenity of neighbours. The proposed alterations would not adversely affect the character and appearance of the conservation area or the setting of listed buildings.

Addendum to Assessment

The application was considered at the Development Management Sub-Committee on 03 June 2015.

Committee were concerned regarding the potential loss of a Class 1 Shop premises within a designated Speciality Shopping Street to a Class 3 Food and Drink premises, particularly the proliferation of Class 3 uses in other parts of the Old Town which has been detrimental to retail character.

Committee indicated it was minded to refuse the application and continued for application reasons to be drafted

Suggested reasons for refusal are;-

The proposed change of use is contrary to Edinburgh City Local Plan Policy Ret 11: Alternative use of shop units in other locations, criteria a) by virtue that the proposed use would be detrimental to its special shopping character.

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as shown on drawing no. 03 dated May 2014 is to be implemented.
2. That the finish to the external flue ducts be coloured to match that of the adjacent rear elevation. Details to be submitted to and agreed by the Planning Authority in writing prior to the commencement of works on site.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard visual amenity.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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.
4. The following noise protection measures to the proposed unit, as defined in the Ethos 'Environmental Noise Assessment' report (Ref P6075), dated January 2015:

Ceiling treatments

- A suspended metal frame independent ceiling with at least a 50mm mineral wool quilt. This shall be hung on resilient fixings to provide 8-12dB airborne and 8-15dB impact sound insulation improvements;
- Only small cable services should penetrate through the ceiling; these and perimeter gaps should be sealed with an acoustic sealant;
- Down-lighters installed in the suspended ceiling, they must be installed with proprietary sound insulating backing boxes/hoods;
- Recessed ceiling loudspeakers must not be located within the sound insulating ceiling;
- Doors must be fitted with closers to ensure that they cannot slam;
- Worktops, shelving, cookers and other fitments such as the dishwasher must be freestanding rather than fixed to or in contact with walls. Glass-washers will need to be mounted on anti-vibration pads;
- A low-noise hand drier should be provided within the WC;
- Plant & Flue Treatments;
- An acoustic enclosure in a form of an at least 6mm plywood with access door will be built around the fan;
- The two 150mm flues will be exiting through the roof of the lean to and must be fixed to the elevation wall every two meters;
- The supply fan is to be mounted on the wall the stairwell at the lean to and ducted through the roof. This fan needs to be boxed in at least a 6mm plywood duct enclosure;
- The fan shall have an attenuator fitted and the duct which must be lined with at least 25mm acoustic duct lining to the termination point; and

- The flue pipes must be isolated from the structure via anti-vibration mounts. The flue pipes must be isolated from the fans via anti-vibration gaiters. They must not bridge any of the anti-vibration measures.

All the above mitigation measures shall be carried out in full and completed prior to the development being occupied.

5. It should be noted that when designing the exhaust ducting, good Heating, ventilation and Air Conditioning (HVAC) duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
6. This application relates to a flat building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.
7. This permission relates to planning permission only. This does not negate the requirement for other permissions which may be required. e.g. Listed Building Consent, Advertisement Consent.

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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 9 June 2014 and four letters of representation were received including the Old Town Community Council and a Ward Councillor. These comprised four letters of objection and raise the following issues:-

- Increase in noise and disturbance to residents arising from proposed restaurant use, particularly arising from evening trading;
- Parking issues, increase in traffic levels and congestion;
- Loss of amenity to residents arising from plant noise, cooking odours and waste storage; and
- Drainage issues, with problems exacerbated by proposed commercial cooking and waste process.

The Old Town Community Council has raised the following issues:-

- Canongate identified in the Edinburgh City Local Plan as a Speciality Shopping Street, which is subject to protection through ECLP Policy Ret 11, Alternative Uses of Shop Units in Other Locations;
- The proposal would erode the retail character of Canongate and the viability of few remaining retail shops;
- Overprovision of food and drink in the immediate area, which has eroded the retail offer; and
- Class 3 use will generate high rental and rateable, and make return to retail use unlikely.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh City Local Plan - Central Area, Speciality
Shopping Street

Date registered

30 May 2014

Drawing numbers/Scheme

01-03,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Francis Newton, Senior Planning Officer

E-mail: francis.newton@edinburgh.gov.uk Tel: 0131 529 6435

Links - Policies

Relevant Policies:

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Policy Env 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Ca 1 (Central Area) sets criteria for assessing development in the Central Area.

Policy Ret 11 (Alternative Use of Shop Units in Other Locations) sets out the factors to be taken into account in assessing the change of use of a shop unit outwith defined centres.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

Appendix 1

Application for Planning Permission 14/02158/FUL At 181 - 183 Canongate, Edinburgh, EH8 8BN Alterations including installation of twin 150mm diameter flue ducts to rear elevation and change of use of existing shop premises (Class 1 Shops) to form restaurant (Class 3 Food and Drink). (Amended description)

Consultations

Environmental Assessment

The application proposes changing the use of a retail unit into a use class 3 in the basement and ground floor of a listed building. The kitchen serving the proposed restaurant will be located in the basement. Residential neighbours are located on the first and second floor above the proposed restaurant.

Environmental Assessment had raised concerns regarding the potential adverse impacts this use may have on the neighbouring residential properties. The proposed use as a class 3 unit has potential to introduce more noise and odours if not mitigated.

The applicant has submitted supporting noise and ventilation reports which have demonstrated how noise and odours can be mitigated to a satisfactory level ensuring that neighbouring residential amenity is not adversely affected. This will be in the form of various acoustic treatments being carried out to the, ceiling, and plant along with commercial ventilation ducting terminating above ridge level via a new external duct. Environmental Assessment recommends that conditions are attached to ensure that these measures are carried out.

Therefore Environmental Assessment offers no objection to this application subject to the following conditions;

The following noise protection measures to the proposed unit, as defined in the Ethos 'Environmental Noise Assessment' report (Ref P6075), dated January 2015:

Ceiling treatments

- o A suspended metal frame independent ceiling with at least a 50mm mineral wool quilt. This shall be hung on resilient fixings to provide 8-12dB airborne and 8-15dB impact sound insulation improvements.*
- o Only small cable services should penetrate through the ceiling; these and perimeter gaps should be sealed with an acoustic sealant.*

- o Down-lighters installed in the suspended ceiling, they must be installed with proprietary sound insulating backing boxes / hoods.*
- o Recessed ceiling loudspeakers must not be located within the sound insulating ceiling.*
- o Doors must be fitted with closers to ensure that they cannot slam.*
- o Worktops, shelving, cookers and other fitments such as the dishwasher must be freestanding rather than fixed to or in contact with walls. Glass-washers will need to be mounted on anti-vibration pads.*
- o A low-noise hand drier should be provided within the WC.*

Plant & Flue Treatments

- o An acoustic enclosure in a form of an at least 6mm plywood with access door will be built around the fan.*
- o The two 150mm flues will be exiting through the roof of the lean to and must be fixed to the elevation wall every two meters.*
- o The supply fan is to be mounted on the wall the stairwell at the lean to and ducted through the roof. This fan needs to be boxed in at least a 6mm plywood duct enclosure.*
- o The fan shall have an attenuator fitted and the duct which must be lined with at least 25mm acoustic duct lining to the termination point.*
- o The flue pipes must be isolated from the structure via anti-vibration mounts. The flue pipes must be isolated from the fans via anti-vibration gaiters. They must not bridge any of the anti-vibration measures.*

All the above mitigation measures shall be carried out in full and completed prior to the development being occupied.

Odours

Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 03 dated May 2014 should be implemented.

Informative

It should be noted that when designing the exhaust ducting, good Heating, ventilation and Air Conditioning (HVAC) duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system.

It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.



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Development Management Sub Committee

report returning to Committee - Wednesday 29 July 2015

**Application for Planning Permission 13/02510/FUL
At 235 Corstorphine Road, Edinburgh, EH12 7AR
Proposed residential development comprising of conversion
of existing building to create 9 apartments, and development
of 21 residential apartments, car parking landscaping and
ancillary works.**

Item number	6.2
Report number	
Wards	A06 - Corstorphine/Murrayfield

Recommendations

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

Background information

This application was originally considered by Committee on 14 May 2014. Committee was minded to grant the application subject to the conclusion of a suitable legal agreement to deliver an on-site provision of 7 affordable homes, as part of a development of 30 residential units.

The applicant has now requested an amendment from on-site provision to a financial contribution for off-site affordable housing provision.

Main report

(a) Background

That addendum was considered by Committee at its meeting on 17 June 2014 where it was requested that further investigation be undertaken to provide the following:

1. To investigate the possibility of the Council becoming involved in the delivery of affordable housing.
2. To determine which Registered Social Landlords (RSLs) had been approached and why they were unwilling to take up this option.
3. How would the commuted sum, payable to the applicant, to fund off-site affordable housing deliver units quickly? Has an alternative site been identified?

The Edinburgh City Local Plan policy Hou 7 and the Council's 'Developer Contributions and Affordable Housing' guidance require that 25% of units within a development in excess of 12 dwellings should be of affordable tenures and that for proposals of 20 or more dwellings this should be provided on-site and, whenever practical, the affordable housing should be integrated with the open-market housing.

However, the preferred purchaser for the site has submitted supporting evidence to show that the development would not be viable with on site affordable housing provision. The provision of 'Low Cost' ownership has also been considered but this was also found not to be a viable option in this instance.

Committee initially considered the applicant's request for an amendment to the terms of the legal agreement for a financial contribution in lieu of on-site affordable housing provision and requested that further information should be provided regarding the viability of the affordable housing on this site.

Further discussions have now taken place with the applicant and as a result an updated consultation response from Housing & Regeneration has been provided:

(b) Updated Consultation

Housing & Regeneration - Updated Consultation

Viability Issues at 235 Corstorphine Road

The Council's preference in every case is to seek delivery of affordable housing contributions on site as this helps the city to deliver mixed, sustainable communities. In the past, whenever the Council has recommended and accepted a commuted sum, in lieu of on-site affordable housing, it has done so on the basis that the affordable housing units were not viable to deliver for the Council or an RSL. We have not taken into account developer's viability concerns, instead focussing purely on the issues facing those who would be tasked with delivering the AHP homes. This is because the Affordable Housing Policy (AHP) enables the Council to be gifted land, at 'nil' value, but on a time-limited 'use-it-or-lose-it' basis. A viability assessment is important in assessing the risk of the Council (or RSLs) finding that they could not deliver the affordable housing within the 60 month timescale allowed. If delivery cannot be achieved, then (in theory) the land would be handed back to the developer at 'nil' value, with no commuted sum or other form of affordable housing resource being forthcoming.

Part of the Council's viability assessment is that - in order to achieve mixed, sustainable communities - it is necessary that the homes are tenure blind, use the same materials as the market homes, and blend in with the rest of the development.

An assumption is always made, in line with convention in Edinburgh, that land for AHP has a 'nil' value. In terms of process, the viability assessment tests every possible on-site tenure, by taking the following into account:

- The developer provides the construction cost of a like-for-like unit using the same construction materials as the market homes (and assuming a nil land value, and zero profit);*
- The availability of subsidy is calculated. That figure is subtracted from the construction cost;*
- The figure left after that process is the amount that either would be used to derive the rent level (for social/mid rent) or would become the sale price (for low cost home ownership).*

At 235 Corstorphine Road, the developer provided construction costs on a confidential open book basis.

Bearing in mind that the land value had been removed from the deliberations (i.e. we assumed a 'nil' land value for these 7 affordable homes) the basic construction cost was £3,158 per square metre. This is considerably higher than the average construction cost per square metre for affordable homes constructed by the Council or RSLs, given the additional costs associated with a refurbishment project and the requirement for any new build homes to blend in with the rest of the site. The average RSL home in the city costs around £98,000 to construct. The Council's 21 Century Homes (the Council's new build housing team) have confirmed that their average construction cost is approximately £1,300 per square metre, a stark contrast to the £3,158 per square metre here. The "typical" RSL apartment on this site, blending in with the surrounding development, would cost in the region of £180,000 to deliver per home.

The first tenures to be tested in any viability assessment are the rental tenures of social rent and mid market rent. Taking into account available subsidy levels, and the typical social rent levels and mid market rent levels at present, it is reasonable to assume that neither the Council nor any RSL would be able to viably deliver these homes for those tenures in this case. That was reinforced by the RSLs who examined the site. They confirmed that the funding gap was considerable, and the poorer economies of scale associated with a 7 unit development exacerbated these. There would be a significant funding shortfall that could not be plugged in this particular case.

Another way of looking at rental tenures in this type of situation is that, given the construction cost, and the availability of subsidy, rent levels would have to be set at close to market rent levels to make the project viable, and in setting rent levels at market rates the homes would not be meeting any identified affordable housing need. That does not mean the same outcome would inevitably happen for every development in this area of town, as commuted sums (such as may be generated from this application) may be used to plug these types of gaps on similar developments in future. There are no sums at present that can be allocated to support rental tenure affordable housing development on this site. However, looking strategically, Committee can be reassured that any sum that emerges from this application would potentially benefit similar developments in this area of the city in future. What can be confirmed in this case is that social rent and mid rent tenures would not be viable for the Council or any RSL to deliver.

Next to be tested were the unsubsidised tenures, 'Shared Equity' and 'Golden Share'. These are more straightforward to assess, as they would not attract subsidy. The key question for these tenures is, 'would they be meeting an identified affordable housing need?' if they were sold off at construction cost (which would allow for zero profit and assumes a 'nil' land value).

Shared equity and golden share are both tenures which have been used to successful effect in many different parts of Edinburgh to provide housing for households who are earning on or around the average salary in the city.

Such households are often thought of as key workers (typically local private sector sole traders/trades people, and public sector workers such as teachers, police, health and fire service employees) and people on the average income are often priced out of the local housing market in Edinburgh. In previous cases, the price tags have been more along the lines of £120,000 for a two bedroom property, or £165,000 for a three bedroom property (which were justifiable as helping to meet a need that the open market was not meeting).

This case is different, though. The homes at Corstorphine Road would carry a price tag of £180,000 for a one or two bedroom apartment, and at those prices these homes could not be justified as meeting an identified affordable housing need in the city. There are many more options for households of that size on the open market. 'Golden Share' and 'Shared Equity' could not be justified as acceptable outcomes in this development.

Having exhausted all those options, the policy still provides for two options. Firstly, the Council could technically demand the land (at 'nil' value) for the 7 homes as the 25% AHP contribution. We would then, by convention, have 5 years to use or lose the land. If after five years we had not been able to square the financial circle, the Council would need to hand the land back (again at no cost) to the landowner. In that scenario, there would be no commuted sum or any other type of AHP resource from this proposal. Having assessed the construction costs involved, and set those against available subsidy levels and the income and borrowing levels of those in affordable housing need in the city, the department's recommendation is that there is a significant risk that choosing to take the land for these homes would lead to no AHP resource emerging from this application. It is recommended that a commuted sum should be accepted as the AHP resource from this application. The sum would be for the value of £187,500. This would be used to support the delivery of onsite affordable housing in a future development in the same or adjacent ward of the city.

Further Recommendation Regarding Unsubsidised Affordable Housing in General

The City of Edinburgh Council has delivered record numbers of affordable homes in recent years, and has been recognised nationally for having pioneered some unsubsidised affordable housing tenures, such as 'Golden Share', and a number of delivery mechanisms for 'Mid Market Rent'. This case has highlighted some emerging issues that are worthy of attention. It is recommended that a separate report be brought to Planning Committee on unsubsidised affordable housing in the city, its successes to date, its contribution to delivering mixed sustainable communities in different areas of the city and different parts of the local housing market, the impact on unsubsidised tenures of recent changes to the mortgage lending market, and measures that may be required to regulate the upper limit price cap on affordable homes to ensure that all unsubsidised AHP homes continue to be viable while continuing to meet an identified affordable housing need in the city.

(c) Issues Raised by Committee

1. To investigate the possibility of the Council becoming involved in the delivery of affordable housing.

The Housing & Regeneration response clarifies that under the provisions of the AHP the Council could demand the land, for the 7 homes, at 'nil' value. It would then have a 5 year period within which to attempt to 'square the financial circle'. At the end of that period the Council would need to hand the land back at no cost to the landowner. The department's recommendation is that there is a significant risk that choosing to take the land for these homes would lead to no affordable housing provided on the site and no commuted sum. Accordingly, there would be no Affordable Housing Policy resource from this proposal.

Accordingly, direct Council involvement on the site would be unlikely to result in the preferred outcome of providing affordable housing within the application site.

2. *To determine which Registered Social Landlords had been approached and why they were unwilling to take up this option.*

Both the applicant and separately Housing & Regeneration have approached two RSLs. These are Dunedin Canmore and Places for People, both of whom have stated that they were unable to take up the option, principally due to high construction costs at the site.

3. *How would the commuted sum, payable to the applicant, to fund off-site affordable housing deliver units quickly? Has an alternative site been identified?*

The Council's Affordable Housing Policy states that were a commuted sum is to be employed, a direct percentage of 25% should be applied to the number of dwellings to be provided on the site. Therefore, a financial contribution of £187,500 would be a required. This is based on £25,000 per unit at 7.5 units (25% of 30 proposed dwellings).

The Council's Housing & Regeneration section has identified potential developments within the same or adjacent wards where the commuted sum, derived from this development, could be used as quickly as this year. However, the details of those schemes are commercially sensitive; and disclosure of their details in public could jeopardise either their acquisition and/or delivery of affordable homes.

They have also identified that record numbers of affordable homes have been delivered by City of Edinburgh Council in recent years, recognised nationally for having pioneered some unsubsidised affordable housing tenures, such as 'Golden Share', and a number of delivery mechanisms for 'Mid Market Rent'.

This revised proposal is considered to offer the most appropriate means of delivering affordable housing given the specific circumstances associated with this particular development.

Conclusion

The delivery of social rent and mid market tenure properties on the site by the Council would be unviable, resulting in a loss of on-site affordable properties and would provide no financial compensation for use to provide off-site affordable properties elsewhere with this or adjoining wards. For the same construction costs reasons it would also be unviable for any RSL to deliver the necessary affordable housing on the site in this instance.

Therefore, it is recommended that the application be granted subject to the conclusion of a suitable legal agreement requiring the payment of a suitable financial contribution for the provision of off-site affordable housing in lieu of the original requirement for on-site affordable housing provision.

This recommendation is also subject to the conditions and informatives already contained in the report to Development Management Sub Committee of 17 June 2015. The report is contained in Appendix 1.

Links

Policies and guidance for this application

CITD1, CITD3, CITD5, CITD6, CITE2, CITE3, CITE12, CITE16, CITE16, CITE17, CITH1, CITH2, CITH3, CITH4, CITH5, CITH7, CITCO3, CITT4, NSLBCA, CITT5, CITT6, NSMDV, NSGD02, NP01,

A copy of the original Committee report can be found in the list of documents at <https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=MP980MEW0GY00>

Or Council Papers online

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Development Management Sub-Committee

10:00am, Wednesday 29 July 2015

Granton Castle Walled Garden

Land North of Waterfront Avenue, Edinburgh

Application reference: 03/04595/FUL and 03/04596/FUL

Item number	-6.3
Report number	-
Executive/routine	
Wards	A09 - Pilton

Executive summary

On 27 October 2004, the Development Management Sub-Committee agreed to grant planning permission for 17 residential units within the walled garden on land north of Waterfront Avenue, Granton, subject to a legal agreement relating to affordable housing and a financial contribution towards primary and secondary education infrastructure. A draft section 75 agreement was prepared in 2008 but this has never been concluded and the consent has not been issued. A duplicate planning application was granted planning permission at the same time and has the same planning status.

On 26 February 2015, Planning Committee heard a deputation from Friends of Granton Castle Walled Garden in relation to the Second Proposed Local Development Plan. After hearing the deputation, Planning Committee asked for a report to be presented to the Development Management Sub-Committee on the progress of application 03/04595/FUL.

On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. It requires all “minded to grant” cases in excess of one year old to be re-assessed and those that need to be re-considered as a result of more up to date development plans, changes to policies and guidance revisions to be reported to Committee. This report addresses the request from Planning Committee on 26 February 2015 and explains what the new legacy procedure means for this application.

Links

Coalition pledges	P15
Council outcomes	CO8, CO19, CO22
Single Outcome Agreement	SO1

Granton Castle Walled Garden

Land North of Waterfront Avenue, Edinburgh

Application reference: 03/04595/FUL and 03/04596/FUL

Recommendations

- 1.1 The Development Management Sub-Committee is asked to note the context and current position regarding planning application 03/04595/FUL and duplicate planning application 03/04596/FUL for the erection of 17 residential units at Granton Castle Walled Garden.

Background

- 2.1 At Planning Committee on Thursday 26 February 2015, a deputation from Friends of Granton Castle Walled Garden presented their views on the policy issues relating to application 03/04595/FUL within the context of the Second Proposed Local Development Plan (LDP). They have submitted a representation to the Second Proposed LDP requesting that the site is retained as open space and used for the enjoyment of the community.
- 2.2 After hearing the deputation, Planning Committee asked for a report to be presented to the Development Management Sub-Committee on the progress of application 03/04595/FUL.
- 2.3 On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. This has implications for the processing of applications 03/04595/FUL and 03/04596/FUL which have “minded to grant” status but the consents have never been issued.

Main report

Context

- 3.1 In December 2003, a planning application (03/04595/FUL) and duplicate application (03/04596/FUL) were submitted by Waterfront Edinburgh Limited (now EDI) to erect 17 residential units within the walled garden and form a new access with associated landscaping on land north of Waterfront Avenue, Edinburgh. The site, owned by EDI, is shown on the plan at the end of this report. Within the site, there is a category C(S) listed walled garden (LB45784 listed in October 1998) and a dovecot and boundary wall which are category B listed (LB28139 listed in April 1970).
- 3.2 The applications were considered by the Development Management Sub-Committee at its meeting on 27 October 2004. Committee agreed to grant planning permission subject to a legal agreement in relation to affordable housing and a financial contribution towards primary and secondary education infrastructure.

- 3.3 Negotiations on the legal agreement started and a draft section 75 was prepared in 2008. The legal agreement was never concluded and the applications have remained at “minded to grant” status since 2004.
- 3.4 In January 2015, the Council contacted EDI to establish whether they intended to conclude the legal agreement or wished to withdraw the applications. Given improving economic circumstances, EDI indicated that they do intend to bring forward development on the site. They therefore wished to continue the applications and actively proceed towards signing the Section 75 agreement. On the basis of this information, the applications were not withdrawn at that time. Work commenced on reviewing the draft section 75 agreement to bring it in line with current policy and take account of revised development assumptions across Granton Waterfront.

Implications of the new Procedure on Legacy Applications

- 3.5 On 15 June 2015, the Planning Committee approved a new procedure for dealing with legacy planning applications. It requires all “minded to grant” cases in excess of one year old to be re-assessed and those that need to be re-considered as a result of more up to date development plans, changes to policies and guidance revisions to be reported to Committee.
- 3.6 Planning applications 03/04595/FUL and 03/04596/FUL will need to be re-assessed in light of some significant changes since the matter was considered by the Development Management Sub -Committee in October 2004. These changes and their implications for this application are summarised below.

Principle of Development

- 3.7 When these applications were considered in October 2004, the adopted local plan was the North West Edinburgh Local Plan (NWELP). The Waterfront Granton Master Plan, December 2000 was approved supplementary guidance and a material consideration in determining the applications. The site was identified as open space in both the local plan and master plan.
- 3.8 The application site is identified as open space in the current Edinburgh City Local Plan (ECLP) and the Second Proposed Local Development Plan (LDP). The site is the subject of a representation to the LDP and is being considered through the current development plan examination. It is shown as private open space in the Open Space Audit 2009 and is not included in the Open Space Strategy 2010.
- 3.9 The designation of the site as open space has not changed since 2004 but the wording of ECLP policy OS1 is different to NWELP policy E7. Whilst the applications were supported as an exception to policy E7, they will now need to be considered in terms of ECLP policy OS1. A local interest group, Friends of Granton Castle Walled Garden is keen to see the site retained as green open space for the enjoyment of the community. It has made a representation in support of this use in response to the Second Proposed Local Development Plan.

Impact on the listed building or its setting

- 3.10 In 2004, the walled garden was category C(s) listed and the doocot and boundary wall were category B listed. The form and layout of the proposed residential development were considered acceptable in terms of impact on these listed buildings and their setting.

Caroline Park House, located to the south east of the site is Category A listed (LB28040 listed in 1970). The proposed development would not impact significantly on the setting of Caroline Park House and Historic Scotland did not object to the application. An application for Listed Building Consent (03/04597/LBC) was approved in Nov 2004 but has now lapsed.

- 3.11 In 2014, Historic Scotland was asked to consider a review the status of the category C(S) walled garden. Following meetings with relevant stakeholders and a site visit, Historic Scotland has recently consulted on its intention to include the dovecot, boundary wall and walled garden within one listing, Category B. The glasshouses located within the walled garden are not included in the proposed listing. Consideration will need to be given to the implication of the proposed change in the listing status of the walled garden.

Affordable Housing and Developer Contributions

- 3.12 In considering applications 03/04595/FUL and 03/04596/FUL, it was agreed that 15% affordable housing should be provided. Current council policy requires 25% and it will therefore be necessary to consider whether this reduced level of provision can still be supported. It was proposed that the two affordable units would be provided on an adjacent site which was considered acceptable in 2004. However, the planning application for 37 units on the adjacent site has now been withdrawn.
- 3.13 The draft section 75 agreement for applications 03/04595/FUL and 03/04596/FUL was prepared in 2008. The wording will now need to be reviewed to take account of the current approach to developer contributions set out in the Second Proposed LDP and the non-statutory guideline "Affordable Housing and Developer Contributions". Work is ongoing to identify the level of education infrastructure required across Granton Waterfront taking account of current development assumptions. Once this is complete, a revised contribution for the 17 units on this site can be calculated.

Next Steps

- 3.14 Planning applications 03/04595/FUL and 03/04596/FUL have had 'minded to grant' status since October 2004 subject to a legal agreement in relation to affordable housing and education provision. Although a draft section 75 legal agreement was prepared in 2008, it has not been signed and the decision notice has never been issued. The applicant, EDI has indicated that it still intends to develop the site and wishes to conclude the Section 75 agreement.
- 3.15 There have been a number of changes to the development plan and other material considerations since the Development Management Sub-Committee was minded to grant these applications in October 2004. The applications will therefore be reported back to Committee in line with the Council's new approach to legacy applications, approved on 15 June 2015. This will happen once the ongoing work on education infrastructure requirements across Granton Waterfront is complete.

Financial impact

- 4.1 There is no financial impact in relation to this report.
-

Risk, policy, compliance and governance impact

- 5.1 The planning applications are being assessed and progressed in full accordance with statutory requirements and government guidance as such the level of risk is considered to be low.

Equalities impact

- 6.1 There are no adverse impacts in terms of equalities or human rights arising from this report.

Sustainability impact

- 7.1 Sustainability issues were considered at the time of its assessment and consideration by the Development Management Sub Committee. No further assessment has been undertaken in the preparation of this report.

Consultation and engagement

- 8.1 Consultation and engagement was undertaken in respect of the applications at the time of their assessment and consideration by the Development Management Sub-Committee. No further consultation or engagement has been undertaken in the preparation of this report.

Background reading/external references

Planning Application Reference – 03/04595/FUL and 03/04596/FUL

David R. Leslie

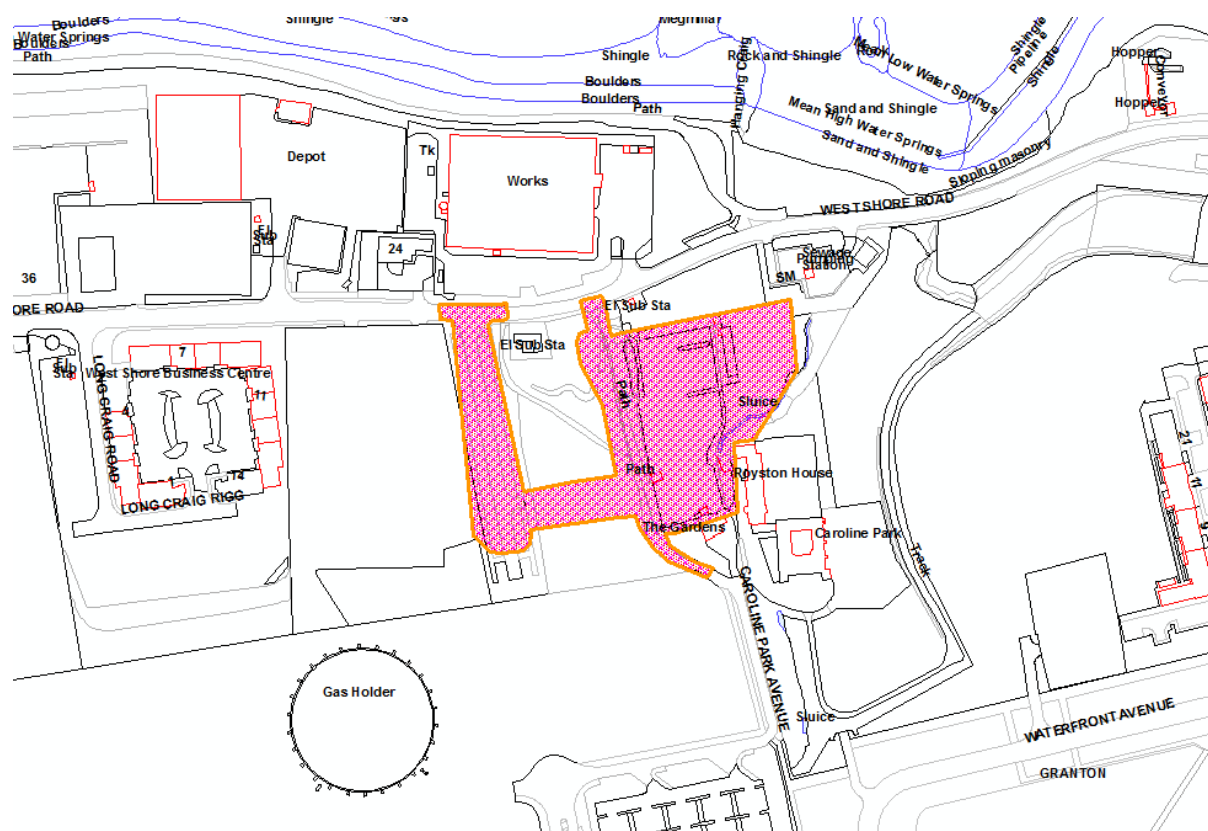
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Links

Coalition pledges	P15 Work with public organisations, the private sector and social enterprise to promote Edinburgh to investors
Council outcomes	CO8 Edinburgh's economy creates and sustains job opportunities CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm CO22 Moving Efficiently – Edinburgh has a transport system that improves connectivity and is green, healthy and accessible
Single Outcome Agreement	SO1 Edinburgh's economy delivers increased investment, jobs and opportunities for all
Appendices	N/A



END

Development Management Sub Committee

report returning to Committee - Wednesday 29 July 2015

Application for Planning Permission in Principle 05/01358/OUT

**At Land At Greendykes North, Greendykes Road, Edinburgh
Residential development and public open space at approx 80
units per ha on 9.5 ha of land enclosed by Greendykes
Avenue and Greendykes Road (outline application) and
submitted housing design guide.**

Item number	6.4
Report number	
Wards	A17 - Portobello/Craigmillar

Recommendations

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

Background information

The application was granted subject to a legal agreement at the Development Management Sub-Committee on 23 August 2006. The legal agreement included developer contributions for affordable housing and transport infrastructure.

The legal agreement has not yet been concluded.

The application is now classed as a legacy case and as it is more than a year old, the procedures approved by Planning Committee on 15 June 2015 apply. Therefore, this application requires to be considered by the Development Management Sub-Committee due to the more updated development plans, changes in policy and guidance revisions.

Main report

On 23 August 2006 the Development Sub-Committee was minded to grant the application subject to a legal agreement covering matters relating to affordable housing and transport.

Affordable Housing

At the time of submission of the application, the affordable housing in the local plan (South East Edinburgh Local Plan) did not require additional affordable housing in the Craigmillar ward as it was defined as being a Nil ward for affordable housing provision. Upon adoption of the Craigmillar Urban Design Framework (CUDF) on 29 September 2005, an overall target of 20% affordable housing was agreed for the Craigmillar regeneration area.

Therefore, at that time, 20% affordable housing was required for this large site and a legal agreement was required to secure this.

The applicant is willing to meet the current affordable housing requirement in Edinburgh City Local Plan Policy Hou 7 which is 25% affordable housing provision for 12 or more units and is an Edinburgh-wide policy. This complies with current policy and is welcomed.

Affordable Housing has been provided on Phase C by 21st Century Homes and this partially contributes towards the developer contribution relating to the provision of affordable housing.

Transport

Transport contributions were required towards public transport and road network improvements in the Greendykes/Craigmillar area. A commuted sum (not determined) was sought. The costs would be a proportion of the total works (including bus lanes on Niddrie Mains Road). Other transport contributions related to the Homezone (parking and junctions), safer routes to school and speed control measures.

The Transport contributions will be based on £500 per residential unit to be delivered on the remaining phases in the masterplan area. It will be subject to the eventual units actually constructed. It is expected that approximately 500 units will be built on the undeveloped part of the masterplan area.

Two phases of the masterplan site have been constructed under full i.e. detailed planning permissions (06/03921/FUL, 06/04061/FUL and 08/03553/FUL & VARY). A contribution (£28,000) has already been paid towards the developer contributions.

Transport has confirmed that this is acceptable.

Conclusion

The applicant is willing to provide 25% Affordable Housing across the masterplan site. This complies with current Affordable Housing Policy and exceeds the 20% previously sought under the then policy applicable at the time of the application submission. More affordable housing will, therefore, be provided and this is welcomed.

Transport contributions are proportionate for the masterplan area and contributions paid for the other developments existing on the site will be taken into account.

Therefore, the application now meets the current requirements relating to affordable housing and will contribute a proportionate amount of developer contribution to improve transport infrastructure to support the development.

It is recommended that the application be granted subject to the conclusion of a legal agreement to reflect the updated position regarding affordable housing provision and transport contributions. The recommendation for approval is also subject to the conditions and informatives already contained in the report to the Development Sub-Committee of 23 August 2006.

Links

Policies and guidance for this application

SEH02, SEH04, SEH05, SEH08, SEH10, SET01, SET06, SET07, SET08, SET09, SEI01, SEDQ01, SEDQ06, NSACC, NSFLO, NSHAFF, NSMDV, NSOS, NSP, NSQULA, NSSAFE, NSSPSD, NSTRAM, NSG, SEI02,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=IFNOEREWF1000>

Or Council Papers online

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Development Management Sub Committee

report returning to Committee - Wednesday 29 July 2015

Application for Planning Permission in Principle 10/03506/PPP

**At Land 263 Metres South Of, 104 Newcraighall Road,
Edinburgh**

**Planning permission in principle for new housing, local
mixed use facilities together with open space, access and
services, infrastructure, landscape and footpath/cycle
provision**

Item number	6.5
Report number	
Wards	A17 - Portobello/Craigmillar

Recommendations

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

Background information

On 18 January 2012, the Development Management Sub-Committee resolved to grant an application for 176 dwellings on land at Newcraighall East, subject to a legal agreement covering affordable housing, education and transport. The original report can be found in a link at the end of this report.

The applicant is willing to meet these requirements in full, but is seeking to change the proposed arrangements for delivery. It was originally intended to report the changes to the Development Management Sub-Committee on 23 October 2013, but the applicant indicated that there were still some unresolved issues. Consequently, the item was not reported to the committee for a decision at that time.

The Development Management Sub-Committee on 20 November 2013 did consider a report for the neighbouring housing site at Newcraighall North (planning reference 10/03449/PPP).

This site will also contribute towards improved transport and education infrastructure at Newcraighall and a similar approach was agreed.

A detailed application for Newcraighall North by Barratt Homes was granted on 18 July 2014 (planning reference 13/03181/FUL). A legal agreement, based on the same education and transport requirements, has been concluded for this application.

The issues which caused delay have been resolved and the application can now be reported back to committee. This is consistent with the approach to legacy applications recently agreed by Planning Committee on 15 June 2015.

Main report

The site is greenfield, but is within the Urban Area in the Edinburgh City Local Plan and allocated for housing in the Second Proposed Local Development Plan. The previous report has considered the principle of the development.

The two matters that are being considered further are changes to the transport and education requirements. The 25% affordable housing element remains unchanged.

Transport:

The off-site transport requirements are specified in the consultation response from Transport in the original report. These relate to a new pedestrian crossing on Newcraighall Road, the upgrading of an existing pedestrian crossing, improved traffic calming arrangements, alteration to the kerblines at the main access to accommodate bus turning movements and the relocation and improvement of bus stops.

Transport originally stated that it expected the developers of both this site and the housing site to the north to implement these improvements.

The applicant has indicated that whilst they accept the transport requirements, they do not wish to be responsible for carrying out all the proposed works to adopted roads or to be liable for an, as yet, unspecified scope of works.

They have agreed to undertake the following:

- Design, procure and build the upgrade of the existing toucan crossing on Newcraighall Road;
- Design, procure and build the realignment of the kerblines at Newcraighall road and the access to the site to facilitate the turning movement of buses;
- Contribute £65,000 towards the public transport infrastructure improvements in the vicinity of the development to include traffic calming measures, replacement; and upgrading of bus stop facilities and the promotion of traffic regulation orders.

The design of any transport works will need to be agreed with the Council prior to their commencement. The developers for the Newcraighall North site are also to provide a new toucan crossing on Newcraighall Road in close proximity to the primary school.

Transport has agreed this approach to secure the necessary transport improvements.

Education:

The requirements from Children and Families were for an overall contribution of £830,000 towards the extension of Newcraighall Primary School and associated facilities, including an all-weather playing field. The applicant was also to provide an area of land to enable an extension of the school site. The cost was to be split with the applicant for the Newcraighall North site.

Originally, Children and Families had envisaged that the first phase of any funding arrangements for the primary school would agree the process for the land transfer in advance of building works. Furthermore, Children and Families also expected that where housing development starts in advance on one site, the full costs of the school extension will be required to be borne by that developer and recouped once development starts on the second site. The desire for the first developer to initially pay the full costs is not considered an acceptable approach. Sites can come forward at separate times resulting in an unnecessary risk to the applicant who would be reliant on the actions of another developer.

The applicant is still willing to meet the requirement of £415,000 and to transfer the required land within three months of the commencement date of their development. Payment is to be paid in two equal amounts upon completion of construction of the 100th and 125th open market housing units. The amounts will be index linked from May 2014 at the time of payment. The applicant for the Newcraighall North site is contributing the other half of the education contribution and has already commenced work on site.

Children and Families has confirmed that there has been significant discussion on the proposed legal agreement and that the approach is acceptable. A similar agreement is in place for the Newcraighall North site.

Conclusion

It is recommended that the application is granted subject to a legal agreement as set out above. The other conditions and legal agreement requirements remain as set out in the original report.

Links

Policies and guidance for this application

SPPOL, SPHOU3, SPHOU4, SPHOU5, SPHOU8, SPHO10, SPEN02, LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD8, CITE3, CITE8, CITE9, CITE10, CITE12, CITE15, CITE16, CITE17, CITE18, CITOS1, CITH1, CITH2, CITH3, CITH4, CITH7, CITCO1, CITCO2, CITT1, CITT2, CITT4, CITT5, CITT13, CITI6, NSG, NSP, NSMDV, NSESBB, NSBIO, NSDCAH, NSQULA,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=LDEY0BEW00I00>

Or Council Papers online

David R. Leslie

Acting Head of Planning and Building Standards

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Development Management Sub-Committee

10:00am Wednesday 29 July 2015

Protocol Note for Hearing

Planning Application No. 15/05261/FUL

8 Bridge Road, Edinburgh

Item number	7.1
Report number	
Ward	Colinton/Fairmilehead

Carol Campbell

Head of Legal, Risk and Compliance

Contacts: Stephen Broughton

Email: stephen.broughton@edinburgh.gov.uk

Tel: 0131 529 4261

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view in the group rooms.

Committee Protocol for Hearings

The Planning Committee on 19 May 2011 agreed a general protocol within which to conduct hearings of planning applications as follows:

Presentation by Acting Head of Planning and Building Standards	30 minutes
Questions by Members of the Sub Committee	
Presentation by Community Council	15 minutes
Questions by Members of the Sub Committee	
Presentations by Other Parties	5 minutes, each party
Questions by Members of the Sub-Committee	
Presentation by Applicant	15 minutes
Questions by Members of the Sub Committee	
Presentation by Ward Councillors	5 minutes each member
Questions by Members of the Sub Committee	
Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Acting Head of Planning and Building Standards presentation of report	10.00 – 10.30
2	Objectors Colinton Community Council	10.35 – 11.50
2	Colinton Amenity Association	10.55 – 11.00
3	Applicant - Kilpatrick Property Group Ltd Kerri McGuire - Graham and Sibbald	11.05 – 11.20
4	Ward Councillors Councillor Elaine Aitken Councillor Richard Lewis Councillor Jason Rust	11.25 – 11.40
5	Debate and Decision on Application by Sub-Committee	11.45

Scheduled times are approximate but within this the time limits for speakers will have to be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting.

If the application is continued for further information, the Hearing will not be re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can attend the meeting to observe the discussion from the gallery or view it on the webcast.

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 14/05261/FUL
At 8 Bridge Road, Edinburgh, EH13 0LF
Extension to ground and basement floors for retail
purposes, alteration to shop front, installation of new door
opening and balcony at first floor, removal of trees,
demolition of outbuilding and ancillary works.**

Item number	7.1(a)
Report number	
Wards	A08 - Colinton/Fairmilehead

Summary

The proposal is an acceptable form and scale of development adjacent to the local centre and accords with Edinburgh City Local Plan Policy Ret 4. The scale and design of the proposed development would not result in an adverse impact on the character and appearance of the conservation area or result in a harmful loss to neighbouring amenity. The proposed development would not result in adverse traffic impacts. There are no material considerations which outweigh this conclusion.

Outcome of previous Committee

This application was previously considered by Committee on 17.06.2015.

This application has been continued for a hearing to give all parties the opportunity to address the Committee.

Links

<u>Policies and guidance for this application</u>	LPC, CITE6, CITR4, CITD11, CITD12, CITE12, NSG, NSP, OTH, CRPCOL,
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Report

Application for Planning Permission 14/05261/FUL At 8 Bridge Road, Edinburgh, EH13 0LF Extension to ground and basement floors for retail purposes, alteration to shop front, installation of new door opening and balcony at first floor, removal of trees, demolition of outbuilding and ancillary works.

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 in Colinton Village on the north side of Bridge Road, close to the junction of Bridge Road with Woodhall Road. Number 8 Bridge Road is a two-storey building of modern design currently used as a newsagent/cafe at the ground floor level with associated storage at basement level and an established children's nursery at the first floor. Access to the nursery is via a door to the western side of the building. To the west of the site runs a footpath through to Spylaw Street bound by a traditional stone wall exceeding two metres in height.

The rear of the property is currently used as a garden play area for the existing children's nursery. This area is enclosed by a timber fence, beyond which lies an area of woodland designated as Greenbelt and a Local Nature Conservation Site.

This application site is located within the Colinton Conservation Area.

2.2 Site History

12/02/2001 - Application withdrawn for proposed formation of new access corridor to serve existing first floor offices and formation of staff facilities in basement for shop (00/03144/FUL).

25/05/2001 - Planning permission granted for a change of use of shop to day nursery at first floor, ground floor newsagents/delicatessen with ancillary seated space, storage and staff facilities in basement (01/00646/FUL).

25/07/2002 - Planning Permission granted for proposed alteration and change of use of former bakehouse to form children's nursery, nursery to operate as an extension to existing nursery at first floor level of 8 Bridge Road resulting in an increase of numbers of children from 25 to 45 (02/00688/FUL).

05/02/2015 - An application was submitted for Tree Works for the following reasons(s): to accommodate proposed development, given the condition of the trees no objection was raised to these works (14/05264/TCO).

Main report

3.1 Description Of The Proposal

The proposal is for an extension to the basement and ground floor retail unit with a roof garden proposed at the first floor level. The extension projects 9.9 metres from the rear building line of the existing building and measures 13.1 metres wide. On the west elevation a new stair access is to be formed. This will sit back 3.7 metres from the rear elevation of the extension and out a further 3.1 metres. The height from the ground floor to the top of the stainless steel handrail is 8.6 metres, this increases to 9.8 metres as the ground level falls away. Two timber sash and case windows are proposed within the stairwell on the west elevation. The materials proposed are painted wet dash render to the lower half of the extension and larch boarding to the upper half.

The proposal will increase the basement storage area from 60 square metres to 176 square metres and the ground floor retail area from 118 square metres to 222.4 square metres. The total retail floorspace will increase from 178 square metres to 398.4 square metres.

The external alterations to the shopfront include a painted wet dash render to the external walls, a new glazed aluminium shopfront screen and granite stallriser.

The proposed roof garden on the first floor will be used as a play area for the existing children's nursery.

Supporting Statements

The following documents have been submitted in support of the application:-

- Planning and Design Supporting Statement;
- Transport Statement; and
- Tree Survey.

These documents are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 would have a detrimental impact upon the adjacent local retail centre;
- b) the proposal is of an appropriate scale, form and design and does not detract from the character and appearance of the conservation area;
- c) the development of the site would not be detrimental to protected species, removal of trees, or the design of landscaping;
- d) the proposal will not result in an unreasonable loss of neighbouring amenity;
- e) the proposal is acceptable in terms of road safety;
- f) any impacts on equalities or human rights are acceptable; and
- g) comments raised have been addressed.

a) Principle of use

The proposed site lies on the edge of Colinton Local Centre which includes 10-64 and 7-23 Bridge Road. Edinburgh City Local Plan (ECLP) Policy Ret 4 - Local Centres allows development in "or on the edge of" a local centre. This applies to sites physically adjacent to the existing centre.

Policy Ret 4 sets four requirements for acceptability:

- i) that the proposal can be satisfactorily integrated into the centre;
- ii) is compatible, in terms of scale and type, with the character and function of the centre;
- iii) makes a positive contribution to the shopping environment and appearance of the centre; and
- iv) would not have a significant adverse impact on the city centre or any town centre.

The main entrance to the store will be located approximately 16 metres from the existing Local Centre with pedestrian accessibility to the site and the local centre. The location of the unit on the edge of centre ensures it can be satisfactorily integrated into the centre.

The local centre has a wide range of shopping and other uses ranging from restaurants to florist, pharmacy, estate agent, greengrocer, convenience store and art shop with a the total floor space of around 1678 square metres.

The local centre is not anchored by a larger supermarket or foodstore. The role of local centres is to provide a basic level of shopping services within walking distances of all homes. Evidence has been submitted within the supporting information stating that the introduction of a convenience store provides a key focal point in the local retail hierarchy and the increased footfall generated tends to have a positive impact for the surrounding and adjoining occupiers/retailers. Policy Ret 4 seeks to protect the local centre as whole rather than individual businesses.

The proposed extension will increase the retail floorspace by a further 220 square metres at ground floor and basement level. This represents a 44% increase in floorspace for the individual unit. Within the context of the centre as a whole, the proposal is considered compatible in terms of scale and type.

The proposal improves the overall appearance of the building within the context of the existing local centre. The scale, form and design of the extension are considered further in section 3.3 b). The proposals to the rear will include new landscaping, details of which will need to be submitted. A condition has been added in respect of this.

The scale and form of this proposal will not impact on the city centre retail core or any town centre.

In conclusion, the proposal would complement the function of the adjacent local retail centre and reinforce its role in terms of providing a basic level of shopping provision for residents and therefore complies with ECLP Policy Ret 4.

b) Scale, Form and Design and Impact on the Conservation Area

The Colinton Conservation Area Character Appraisal states that, *The village zone lies at the heart of the conservation area set in the sheltered basin of the Water of Leith between the river crossing by the parish church and Bridge Road to the south. With its dwelling houses, shops, and constant stream of traffic, the village is very much a living, commercial entity.*

The Character Appraisal also states under "Opportunities for Enhancement" *The weaknesses of the area are in those parts, often prominent, where the character and appearance has been eroded by unsympathetic developments. Parts of the village would benefit from environmental improvements.*

The ECLP Policy Env 6 requires development to preserve or enhance the special character and appearance of the conservation area and to contribute positively to the character of the area. The rear extension will not be readily seen from the street level but it will be partially visible from the walkway. Whilst the extension will alter the character of the walkway, it has been designed to minimise its visual impact by positioning the smaller stair access on the west elevation. This ensures the full mass of the building is not brought close to the stone boundary wall.

The rear of the site is surrounded by dense mature trees which will ensure the proposed extension is not visible from a variety of views along Spylaw Street.

The proposal will not have an adverse impact on the character and appearance of the conservation area.

The proposed material finishes of painted wet dash render to the lower half of the extension and larch boarding to the upper half and a new glazed aluminium shopfront screen and granite stallriser are considered appropriate to the architectural character of the conservation area. A condition on materials has been added to allow the Planning Authority to assess in detail the proposed materials for the development.

The proposed scale, massing and external details of the building are considered appropriate to the site topography and spatial character of the surrounding area and therefore complies with ECLP Policy Des 11.

c) Landscaping

A Tree Survey has been submitted as part of the application which indicates the loss of a number of trees. These trees have already been felled and this was carried out with the consent of the Local Authority under application 14/05264/TCO. A scheme of planting and landscaping will be required to mitigate against the loss of these trees. It is recommended that the final details of landscaping for the site including landscape establishment are dealt with through condition.

d) Neighbouring Amenity

The extension will be adjacent to neighbouring commercial units and the nearest residential properties lies approximately 22 metres to the north. The proposed roof garden for the nursery will not raise any privacy or amenity issues and the proposal as a whole will not have a detrimental impact on neighbouring amenity.

e) Road Safety

Transport has raised no objections. For shops under 500 square metres (gross floor area) zero parking is accepted where it cannot be provided within the site. As this is an extension to an existing retail unit where no off-street parking is provided a relaxation to the current parking standards is justifiable. There is on street parking provided outside the premises although this is restricted for a maximum of 30 minutes with no return permitted within 30 minutes, Monday to Friday 8am to 6pm and Saturday 8am to 1.30pm.

It is anticipated that one delivery vehicle plus separate milk, bread and newspaper deliveries are likely to occur each day. The servicing and deliveries to the unit are expected to use the existing parking layby on Bridge Road.

Given the convenience nature of the proposed retail use and the limited range of products offered the shop is expected to be mainly used for top-up purchases. On this basis, it is considered that given the unit lies on the edge of an established local centre, it is expected that there will be a large number of linked trips and the proximity to a good public transport network which would result in very few additional trips being made by car.

f) Equalities and Human Rights

This application was assessed in terms of equalities and human rights. No impact was identified.

g) Public comments

The material objections raised were:

- No demand for additional food store - addressed in section 3.3 a);
- New store would put other shops out of business - addressed in section 3.3 a);
- Scale and massing is inappropriate - addressed in section 3.3 b);
- Size of proposed development is out of keeping with character of the conservation area - addressed in section 3.3 b);
- Character of the conservation area will be lost - addressed in section 3.3 b);
- Increase in traffic - addressed in section 3.3 e); and
- Parking problems associated with the proposal - addressed in section 3.3 e).

Support

It would bring a visual improvement to the village and breathe new life into the village.

Community Council

Colinton Community Council neither supported nor objected to the application. They raised concerns regarding parking, traffic and the visual effects of the built form on the conservation area.

Conclusion

The proposal is an acceptable form and scale of development adjacent to a local centre and accords with Edinburgh City Local Plan Policy Ret 4. The scale and design of the proposed development would not result in an adverse impact on the character and appearance of the conservation area or result in a harmful loss to neighbouring amenity. The proposed development would not result in adverse traffic impacts. 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. Prior to commencement of works on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Head of Planning and Building Standards. The approved scheme shall be implemented within the first planting season following the date of this consent.

2. All existing trees shall be retained and no trees shall have roots cut, lopped, topped, felled, uprooted or removed, unless otherwise agreed in writing by the Head of Planning and Building Standards.
3. All planting carried out on site shall be maintained to the satisfaction of the Head of Planning and Building Standards for a period of 5 years from the date of completion of planting. Within that period any plants which are dead, damaged, missing diseased or fail to establish shall be replaced.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to enable the Head of Planning and Building Standards to consider this/these matter/s in detail.
2. In order to safeguard protected trees.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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.
4. The applicant will liaise with Building Standards and the Care Commission regarding the standards for the proposed roof garden to be used as a play area for the children's nursery.

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 is not subject to 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

The application was advertised on 20 February 2015.

A total of 242 representations have been received including the MP, Colinton Amenity Association and Colinton Community Council. These include 240 objections, one letter of support and one general representation.

Objections

- No demand for additional food store;
- New store would put other shops out of business;
- Scale and massing is inappropriate;
- The area is well served by other supermarkets;
- Size of proposed development is out of keeping with character of the conservation area;
- Character of the conservation area will be lost;
- Increase in traffic; and
- Parking problems associated with the proposal.

Support

It would bring a visual improvement to the village and breathe new life into the village.

Community Council

Colinton Community Council neither supported nor objected to the application. They raised concerns regarding parking, traffic and the visual effects of the built form on the conservation area.

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh City Local Plan - The site is designated as a Local Centre, Greenbelt, and a Local Nature Conservation Site.

Date registered

4 February 2015

Drawing numbers/Scheme

01-09,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Ret 4 (Local Centres) sets criteria for assessing proposals in or on the edge of local centres.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Relevant Non-Statutory Guidelines

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Other Relevant policy guidance

The Colinton Conservation Area Character Appraisal emphasises the high quality architecture, the predominant use of traditional building materials, the strong sense of place derived from the containment within a rural setting, and the prominent views to the Pentland Hills.

Appendix 1

**Application for Planning Permission 14/05261/FUL
At 8 Bridge Road, Edinburgh, EH13 0LF
Extension to ground and basement floors for retail
purposes, alteration to shop front, installation of new door
opening and balcony at first floor, removal of trees,
demolition of outbuilding and ancillary works.**

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning the above planning application for extension to ground and basement floors for retail purposes, alteration to shop front, removal of trees, demolition of outbuilding and ancillary works.

Situated within the SE limits of the historic village of Colinton the site occurs within an area of archaeological potential. The site appears to have remained undeveloped until the construction of 'Reading Rooms' in the second half of the 19th century. Given the sites location out with the main high street (Spylaw St) and the scale of modern development on the site it is unlikely that any significant buried remains will be affected. Accordingly I have concluded that there are no know archaeological implications upon this application.

Transport Planning

I have no objections to the application.

Note:

- o Current Council parking standards for retail development in this area (Zone 4) would require between 4 and 16 spaces for 398m². However, for shops under 500m², zero parking will be accepted where no parking can be provided;*
- o Existing parking restrictions adjacent to the premises are - maximum of 30 minutes with no return permitted within 30 minutes, Monday to Friday 8am to 6pm and Saturday 8am to 1.30pm*

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

Application for Conservation Area Consent 15/01786/CON At 1 Canonmills Bridge, Edinburgh, EH3 5LF Complete Demolition in a Conservation Area.

Item number	8.1
Report number	
Wards	A12 - Leith Walk

Summary

The loss of the unlisted building is acceptable and the redevelopment proposals have been approved by Development Management Sub Committee. The loss of the building will not have an adverse impact on the character or appearance of the conservation area. There are no material considerations to outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITE5, NSG, NSLBCA, OTH, CRPINV,
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Report

Application for Conservation Area Consent 15/01786/CON At 1 Canonmills Bridge, Edinburgh, EH3 5LF Complete Demolition in a Conservation Area.

Recommendations

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

Background

2.1 Site description

The application site is a triangular piece of land currently occupied by a two storey building with a pitched roof. At ground floor level this is used for restaurant purposes and at lower level used for storage and ancillary space for the commercial unit. There is a change in site level of approximately two metres as ground falls from Brandon terrace along Warriston Road. This results in only one storey being visible from the front elevation. To the rear of the building the area is used for car parking and services.

2.2 Site History

6 May 2015 - planning permission was granted for a non-material variation to 09/00830/FUL. The amendments were changes to the window pattern on the north and south elevations and changes to the position of the internal staircase and room layout on the upper floors (planning application number 09/00830/VARY).

4 February 2015 - planning permission was refused for a change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations (planning application number 14/02786/FUL) as the proposed development by reason of its scale, form and design is detrimental to the character and appearance of the Inverleith Conservation Area.

11 November 2010 Committee granted planning permission for a mixed use development of 2 restaurants, 6 flats and 3 townhouses. Planning permission was issued on 5 May 2013 following the completion of a legal agreement relating to transport requirements (planning application number 09/00830/FUL).

Main report

3.1 Description Of The Proposal

It is proposed to demolish the existing two storey building at this site.

Supporting Information

A supporting statement has been submitted giving the background to the proposal.

This can be viewed on the Planning and Building Standards on-line services.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

3.3 Assessment

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

- a) the loss of the building will adversely affect the character or appearance of the conservation area;
- b) the proposed replacement development is of sufficient quality;
- c) the proposal will have any detrimental impact on equalities and human rights; and
- d) comments raised have been addressed.

a) Conservation Area

The site lies within the Inverleith Conservation Area. The Inverleith Conservation Area Character Appraisal emphasises *the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.*

The demolition of an unlisted building within a conservation area, in accordance with policy Env 5: Conservation Areas - Demolition of Buildings, will only be allowed in exceptional circumstances. The proposal must be considered against the tests set out in policy Env 2: Listed Buildings - Demolition, in conjunction with Env 5, essentially meaning that it is assessed in the same manner as the demolition of a listed building. The Scottish Historic Environment Policy (2011) sets out that such applications for demolition will be assessed against:

- a) the importance of the building;
- b) the condition of the building;
- c) the economic viability of reusing the building; and
- d) the wider public benefits.

To obtain consent for demolition the proposal will need to meet at least one of the above tests.

The building occupying the site appears between the publishing of the first (1853) and second (1875) editions of the Ordnance Survey Maps and was originally associated with a marble works and is considered to be of local significance. It has a central hipped roof finished in slate with two areas of flat roof on either side. To the rear it is painted roughcast and the windows are of varying quality and design which does not add to the character of the area. Despite being two storey overall in height, when viewed from Canonmills Bridge it is single storey and has a low level quaint appearance which is an anomaly within the conservation area. The building is therefore not of sufficient importance that it should necessarily be retained. Provided the proposed new building preserves or enhances the conservation area, demolition of the existing building is justified.

The loss of the building will not adversely affect the character or appearance of the conservation area.

b) Replacement Development

Planning permission was granted for a mixed use development on 10th November 2010 and the consent was issued on 8th May 2013 (planning application number 09/00830/FUL). The development included an L-shaped 4 storey building facing onto Canonmills Bridge with retail and commercial uses on the ground floor and residential flats on the floors above. Three townhouses were granted to the rear facing onto Warriston Road.

This is an extant permission and details have been submitted to satisfy conditions. The assessment on whether this proposal addresses the issues of the development's impact upon the character or appearance of the conservation area, the setting of the listed buildings, and its scale and design has already been undertaken in the previous decision. To summarise, the redevelopment is of a modern contemporary design which will not adversely impact on the character or appearance of the conservation area, or on the setting of the listed buildings.

The proposed replacement development is of sufficient quality.

c) Equalities and Human Rights Impacts.

This application was assessed in terms of equalities and human rights. No impact was identified. An Equality and Rights Impact Assessment Summary is available to view on Planning and Building Standards online services.

The proposal will not have any detrimental impact on equalities and human rights.

d) Public Comments

The application was advertised on 08 May 2015. A total of 117 representations were received, from the Cockburn Association, Inverleith Society, JUMP (Joined Up Master Planning) Councillor Lesley Hinds, Councillor Nick Gardiner, local businesses and residents. Thirty six of these objections were received outwith the statutory time period.

Material representations

- retention of existing building should be considered - addressed in section 3.3a);
- proposed replacement development in planning application 09/00830/FUL inappropriate in terms of its scale (too deep, too high), design, massing, and impact on amenity and cityscape - addressed in section 3.3b).

Conclusion

The proposal is in accordance with the Edinburgh City Local Plan. The loss of the unlisted building is acceptable and the redevelopment proposals have been approved by Development Management Sub-Committee. The loss of the building will not have an adverse impact on the character or appearance of the conservation area. There are no material considerations to outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. The application shall be referred to the Scottish Ministers prior to determination.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.

Reasons:-

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the interests of archaeological heritage.

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 is not subject to 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

The application was advertised on 8 May 2015 and attracted 117 letters of objection. Of these objections 36 were received outwith the statutory period. These were from Cockburn Association, Inverleith Society, JUMP (Joined Up Master Planning) Councillor Lesley Hinds, Councillor Nick Gardiner, local businesses and residents.

Material representations

- design, scale and form of redevelopment proposals; and
- loss of existing business.

Non-material representations

None

Community Council

No comments were received

A full assessment of the representations can be found 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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)
-

Statutory Development Plan Provision

The site lies within the urban area of the Edinburgh City Local Plan where it is designated as within Inverleith Conservation Area.

Date registered

15 April 2015

Drawing numbers/Scheme

2,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jennifer Zochowska, Senior Planning Officer

E-mail: jennifer.zochowska@edinburgh.gov.uk Tel: 0131 529 3793

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Application for Conservation Area Consent 15/01786/CON At 1 Canonmills Bridge, Edinburgh, EH3 5LF Complete Demolition in a Conservation Area.

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for complete demolition in a conservation area.

The building occupying the site appears between the publishing of the first (1853) and second (1875) editions of the Ordnance Survey Maps and was originally associated with a marble works and is considered to be of local significance. Accordingly this site has been identified as occurring within an area of potential national archaeological significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

As stated in my response to the earlier application 14/02786, the loss of this historic building and potential impact upon buried remains are considered as having an overall moderate archaeological impact. Accordingly it was recommended a programme of archaeological works (excavation, historic building survey, analysis & reporting, publication) be undertaken prior to and during development/demolition. The historic building element has been undertaken and reported upon by AOC Archaeology Group earlier this (2015) year.

Accordingly I'm happy for the structure to be demolished to ground level only as ground investigation of the site has yet to be undertaken. It is envisaged that the first phase will be an archaeological evaluation, the results of which will help determine the scope of any subsequent phases including preservation in situ.

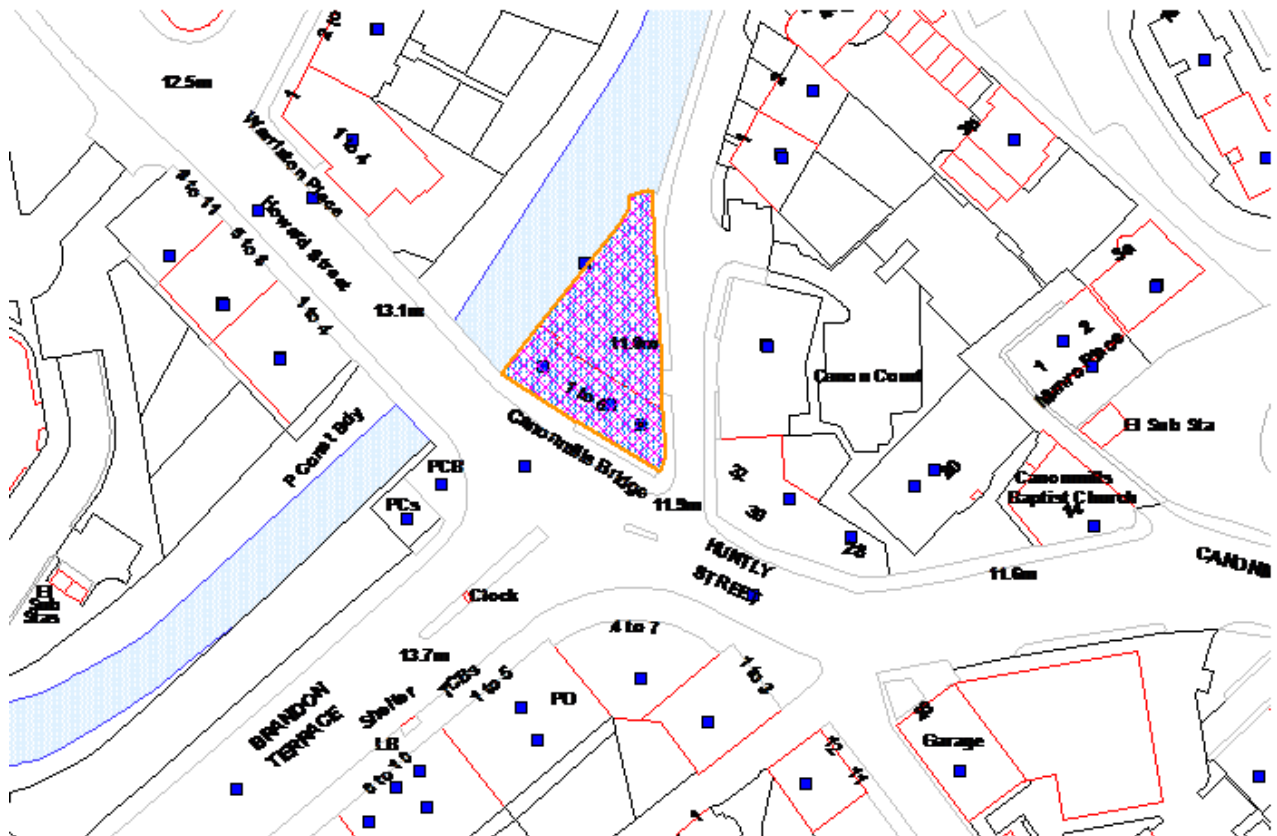
Given this continuing archaeological issues relating to the site, it is recommended that the following condition be attached consent.

'No demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site.

Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

Application for Planning Permission in Principle 14/01238/PPP

**At Land 126 Metres North Of 137 Drum Street, Candlemaker's
Park, Edinburgh**

**Planning Permission in Principle for Residential
Development and Associated Works.**

Item number	8.2
Report number	
Wards	A16 - Liberton/Gilmerton

Summary

The proposed development is contrary to the adopted Edinburgh City Local Plan in that it involves a non conforming Green Belt development. The proposal is therefore contrary to policy ENV 10 of the Edinburgh City Local Plan and it constitutes a departure from the Development Plan. However the site was identified as a housing proposal in the Second Proposed LDP as housing proposal HSG 25 with an indicative capacity of 125 - 175 units. This is a material planning consideration in the determination of this application.

The scale, layout and replacement woodland planting are acceptable. The arrangements for parking are acceptable and there are no implications for road safety. Flood risk issues have been addressed and the Surface Water Drainage design is acceptable.

Issues of height, design, residential amenity, landscaping, ground conditions, SUD design, and sustainability will be addressed through the submission of further applications for approval of matters specified in conditions.

Links

Policies and guidance for this application

LPC, CITE10, CITE11, CITE12, CITE15, CITE16, CITE17, CITE18, CITD1, CITD3, CITD5, CITE9, CITOS3, CITH4, CITH7, CITCO1, CITCO2, CITT1, CITT2, SDP, SDP07, LDPP, PLH1,

Report

Application for Planning Permission in Principle 14/01238/PPP At Land 126 Metres North Of 137 Drum Street, Candlemaker's Park, Edinburgh Planning Permission in Principle for Residential Development and Associated Works.

Recommendations

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

Background

2.1 Site description

The application site is 6.3 hectares and is located north east of Drum Street and Candlemaker's Park, south of Edinburgh. The site currently lies within the green belt and was previously used for landfill works.

The landscape is surrounded by existing woodland enclosure that runs west, north and east. The site gradually slopes east-west, with steep banking along the north and east edges.

The western edge of the site is bounded by existing housing on Candlemaker's Park, to the north and east by The Drum Estate and to the south by Drum Street. Part of the site falls within the boundary of a site on the Inventory of Gardens and Designed Landscape in Scotland, The Drum. This designed landscape provides the setting to the William Adam, Category A Listed, Drum House, and 18th century country house and estate (ref 2805: listed 14 July 1966).

The north section of the site is adjacent to a Category C listed walled garden (ref 28056: listed 15 April 1996) and a Category C listed gardeners cottage (ref 43252: listed 15 April 1996).

2.2 Site History

13 December 2013 - A PAN was considered at Development Management Sub-Committee and key issues were noted (13/04896/PAN).

History of nearby sites

18 June 2015 - PPP application submitted for Residential Development and Associated Works on land 146 east of 143 Drum Street is currently under consideration (15/02905/PPP).

25 February 2015 - A PAN was submitted for residential development on land 146 Drum Street (15/00813/PAN).

17 June 2015 - Planning Permission Appeal granted, subject to conditions and completion of planning obligation (DPEA ref: PPA-230-2137) for residentially-led mixed-use development including primary school, commercial/community uses, open space, access, car parking and landscaping on land 292 Metres West Of 10 Gilmerton Station Road (CEC ref:14/01649/PPP).

30 April 2014 - PPP application submitted for residentially-led mixed-use development including primary school, commercial/community uses, open spaces, access parking and landscaping on land 292 Metres West Of 10 Gilmerton Station Road is currently under consideration (14/01648/PPP).

Main report

3.1 Description Of The Proposal

Proposal

The proposal is for planning permission in principle for 175 residential units.

Although the application seeks to establish the principle of the development, a detailed indicative layout plan has been provided, with points of vehicular and pedestrian accesses and egresses, parking, number of units, heights and woodland boundary treatment all indicated in the plan.

Vehicular access to the site is proposed to be taken from a single point off Candlemaker's Park south of the site. Pedestrian accesses are proposed on the east, south and west section, with shared surface arrangements throughout to give pedestrians and cyclist priority.

The removal and restocking of woodland planting is proposed along the northern and eastern edges of the site.

As this application is for Planning Permission in Principle, all details of the residential accommodation will be matters for further applications. However, the applicant has submitted an indicative site layout which shows that accommodation is divided between flats, terraces, detached and semi-detached housing. The two blocks of flats will be located on Drum Street and on the southern edge of Candlemaker's Park and are proposed to be three storeys in height. The terraces, detached and semi-detached housing will be two storeys in height and are located internal to the site.

No details of the design or external finishes for the residential development have been submitted as these details will be required in further applications.

The applicant has indicated that at least 25% of the units will be affordable.

Open space for the development is provided in the form of private gardens for the range of housing mix with shared gardens for the flats only.

Supporting information

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning statement;
- Statutory pre-application consultation report;
- Indicative Site Layout Plan;
- Design and Access Statement;
- Transport Assessment;
- Landscape Masterplan;
- Site Investigation;
- Flood Risk and Drainage Strategy;
- SUDs plan;
- Site history;
- Ecology Statement;
- Air Quality Assessment;
- Tree Survey;
- Road Safety Audit;
- Landscape Statement;
- Existing and proposed green space;
- Tree removal and retention;
- Key routes;
- Potential increased height; and
- Quality Audit.

Original scheme

The indicative site layout has been revised to reflect the design principles contained in the Gilmerton Site Brief.

3.2 Determining Issues

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 proposal is an appropriate use in the Green Belt;
- b) the proposal is detrimental to the amenity of neighbours and occupiers of the development;

- c) the proposed scale, layout, landscape setting, design and materials are acceptable;
- d) the proposal affects road safety;
- e) the proposal has any equalities or human rights impacts;
- f) public comments have been addressed; and
- g) the proposal raises any other material planning considerations.

a) Principle

The site is within the Edinburgh Green Belt in the adopted Edinburgh City Local Plan (ECLP) where development will only be permitted for the purpose of agriculture, woodland and forestry, horticulture or for a countryside recreational use compatible with an agricultural or natural setting. The proposal is for residential development which is not an appropriate Green Belt use and does not conform to the requirements of Policy Env 10 of the ECLP.

The Strategic Development Plan (SDP) Policy 1A outlines the spatial strategy for the SDP including the identification of 13 Strategic Development Areas. South East Edinburgh is identified as a Strategic Development Area and the application site falls within this area.

Paragraph 46 of the SDP confirms that the scale of any additional housing allocations will be determined through Local Development Plans following the preparation of SESplan supplementary guidance taking into account environmental and infrastructure constraints.

Scottish Planning Policy and SDP Policy 7 require a five year effective housing land supply to be maintained. Sites within the identified Strategic Development Areas may be allocated in the Local Development Plans or granted planning permission to maintain a five year effective housing and land supply, subject to the development being in character with the settlement or local area, the development not undermining green belt objectives and any additional infrastructure required by the development being committed or to be funded by the developer.

A comprehensive assessment of all available Greenfield land in South East Edinburgh was undertaken to inform the Proposed Local Development Plan (set out within the Revised Environmental Report, March 2013 and Second Revision, June 2014). The housing site assessment criterion fully reflects the criteria included within policy 7 of the SDP and concludes that development of this site would be acceptable.

Subject to consideration of infrastructure provision which is covered in sections 3.3 (d) and 3.3 (h), the proposal complies Policy 7 of the SDP.

There is currently a shortfall in the five year effective land supply. However the Second Proposed Local Development Plan (LDP) identifies further greenfield housing sites to meet the SDP housing requirements.

The Second Proposed LDP allocates this site as housing site HSG 25. The site was also identified as a housing proposal (HSG 25) in the first Proposed LDP (March 2013).

The Planning Committee agreed to submit the Second Proposed LDP to examination on 14 May 2015. The Planning Committee approved a new Development Plan Scheme (DPS) for the LDP on 14 May 2015.

The representation period for the Second Proposed Plan ran from 22 August to 3 October 2014. During this time, representations were received from over 2,500 individuals and organisations, a number of which are directly relevant to this application.

There were 49 representations to proposal HSG 25, 48 of which were objecting to the principle of development and requesting that the proposal be removed from the Plan. The representations were mainly from individuals with one from a Community Council. These are summarised in 14 May Planning Committee Report Appendix 1 - Summary of Unresolved Issues.

Issues included loss of amenity due to the loss of green belt, impact on transport and school infrastructure, community facilities, biodiversity, air quality and ground conditions in the area. The details of these objections were considered, taking account of the increased housing requirement for Edinburgh set out in the approved Strategic Development Plan and its Supplementary Guidance and information available in the LDP Environmental Report - Second Revision, Transport Appraisal and Education Appraisal. The assessment criteria used to identify suitable housing sites and the outcome of the assessment for this site is set out in the LDP Environmental Report - Second Revision, pages 190-192.

The site is identified as housing proposal HSG 25 in the Second Proposed LDP with an indicative capacity of 125-175 units. The application is therefore in accordance with policy Hou 1a) in the Second Proposed LDP, which supports development on sites allocated in this Plan to meet strategic housing requirements. The application proposes 175 dwellings which is the top of the capacity range indicated in the Second Proposed LDP.

The Second Proposed LDP contains site briefs for each of the new housing allocations. The application broadly complies with the development principles set out in the Brief and reflects the broad principles presented to the Edinburgh Urban Design Panel.

In conclusion, the application is contrary to policy Env10 in the ECLP and is a departure from the adopted Local Plan. However Scottish Planning Policy and the Strategic Development Plan require a five year effective land supply to be maintained at all times. The Second Proposed LDP allocates additional sites to meet the Council's housing requirement. The site was identified as a housing proposal in the first Proposed LDP and is also included in the Second Proposed LDP. The principle of residential development on this site is therefore supported and complies with proposal HSG 25 and policy Hou 1a) in the Second Proposed Plan.

Consideration has been given to whether granting planning permission in advance of adoption of the Local Development Plan would prejudice the emerging plan.

In this instance, it is not considered premature to do so because the LDP housing site assessment demonstrates that the proposal accords with SDP 7, the cumulative infrastructure requirements have been established and account has been taken of relevant representations submitted to the Second Proposed LDP. The need to maintain a five year effective housing land supply is also a consideration.

The proposal is a departure from the Development Plan, however, notification to Scottish Ministers is not required in this instance as the development is not a significant departure from the Development Plan and the Council does not have an interest in the site.

b) Amenity of neighbours and occupiers

As noted above, the applicant has submitted detailed information in relation to the site layout. The site layout and indicative heights demonstrate that there would not be any adverse loss of sunlight or overshadowing to neighbouring property as a result of the proposed development.

The site layout has indicated that 8% of the proposed units will not be capable of receiving potential sunlight in rear gardens during the spring equinox, which represents an infringement of the Council's 'Edinburgh Design Guidance'. However, this is a marginal contravention as 92% of the proposed units will benefit from sufficient daylighting. As the siting and height of the development are reserved matters, this issue can be considered in detail at AMC stage.

In terms of privacy, the positioning of the buildings will be reasonably spaced where an appropriate level of privacy can be achieved. As no details for the design finishes for the residential development have been provided, issues of privacy will be assessed in more detailed as part of a further application for the approval specified in conditions.

c) Scale, layout, landscape setting, design and materials

Design policies seek to draw upon the positive characteristics of the surrounding area to create or reinforce a sense of place. Developments should have a positive impact on their setting, having regard to the positioning of buildings on their site, height, scale and form, materials, landscape impacts and impacts on views.

The site is covered by the Gilmerton Site Brief within the Second Proposed LDP. It is one of three proposed housing sites in Gilmerton.

The Brief requires that new housing and an associated landscape framework should enhance the quality and character of the urban edge and respond to the wooded grounds of The Drum and the former Gilmerton House.

The Brief requires a 30 m tree belt to the north and east of site to form a new boundary to the green belt and The Drum as a site on the Inventory of Gardens and Designed Landscapes, and to enhance woodland habitat.

There is an opportunity to rationalise existing woodland planting on north and west edge of site, to integrate new development, amenity greenspace and existing residential areas.

The provision of green network connections to Candlemaker's Park and pedestrian/cycle route through the site to link to proposal site HSG24 and the wider path network to the west of Drum Street is also stipulated.

The application was presented to the Edinburgh Urban Design Panel (EUDP). In developing the design, the EUDP supports the following aspects and advocates that these should remain in the proposals:

- The completion of the streetscape to Candlemaker's Park by fronting development.
- The retention of the existing woodland enclosure.
- The inclusion of affordable housing on the site.

The EUDP made several recommendations in relation to the proposals. These included:

- Further historical analysis to be carried out with respect to the designed landscape which may help to inform the design;
- Reconsideration of the design and location of the proposed green link;
- Further reinforcement of the existing woodland;
- Maximise linkages/permeability where possible;
- Further design development to test the design principles and inform design codes for the site;
- A transport appraisal should be carried out for both allocated housing sites to ensure a coordinated approach.

The indicative layout has since been revised to ensure that the layout broadly complies with the EUDP recommendations.

Woodland boundary

The applicant has submitted a Tree and Woodland Survey to justify the removal of existing woodland. A detailed landscape master plan was also submitted to demonstrate the site capacity for proposed replacement planting.

The indicative tree belt east of the site is achievable with the phased removal of Poplar trees along with replacement planting proposed. As Poplar trees are neither long-lived nor appropriate species to provide adequate screening for this site context, the removal of these trees are supported.

The phased removal of Poplar trees outwith the application boundary will require to be controlled through a legal agreement as part of a woodland management plan relating to the development within the Inventory Site.

The indicative tree belt north of the site varies between 14-49m and this does not comply with the Brief. A visual analysis and sections provided in drawing No. 05A however, assists in explaining how the proposed boundary treatment will help to mitigate the landscape and visual impact of the development on the remaining Inventory Site north and east of the site.

Section c-c demonstrates that the distance between the housing and walled garden and existing change in level is acceptable with the introduction of further evergreen under-storey shrub planting which will help to prevent the development from visually encroaching on the character of the designed landscape. This minor infringement in terms of the Brief is acceptable.

Planting proposals in drawing No. 03e for re-stocking existing north and east woodland areas are acceptable.

With regards to rationalising existing woodland planting on north and west edge of site, initial concerns were raised with the retention of a 5m strip of woodland against Candlemaker's Park in Drawing No 03. The retention of this woodland was deemed unnecessary as it would maintain insufficient space for existing tree species to achieve maturity. In addition, the retention of this section of woodland did not accord with principles of integrating the site with existing housing on Candlemaker's Park.

The extent of woodland rationalisation has since been revised in Drawing No.04B with the 5m strip of woodland to Candlemaker's Park removed and this element is supported.

The proposed Boundary Woodland Treatment plan is required to be implemented within 6 months of development completion. This can be covered by condition.

Details of amenity and shrub planting within the residential area shall be agreed with the finalised layout in approval of matters specified in conditions.

Green Network and Open Spaces

The indicative site layout maximises various footpath links throughout the site. The primary route is to link with a possible future footpath link from east of the site to existing open space on Candlemaker's Park. The application site is within 800m walking distance of existing large greenspace at Drum Park, east. The provision of this link would formally co-ordinate access to existing open space and is supported.

The provision of a possible future footpath link between Candlemaker's Park and Drum Avenue outwith the applications boundary is identified. Some of the existing residential areas around the site do not currently meet the large greenspace standard due to there being no direct formal pedestrian access to the park. Provision is therefore sought for developer contributions to formalise a link for both pedestrian and cycle use between Candlemakers Park and Drum Avenue to resolve this current deficiency. The link identified is supported and contributions are sought through a legal agreement attached to this application.

The provision of two footpath links east of the site and a link from Drum Street to Candlemaker's Park is identified in the layout and this would provide site connections to the wider area and is therefore supported.

It is indicated that the general layout within the residential site will be shared surface with block paving where pedestrian and cyclists will have priority.

This will help to achieve a comprehensive and integrated layout with a safe and convenient access and movement for both pedestrian and cyclist through the site and link the proposal site with HSG24 and the wider path network to the west of Drum Street. Details of the design and materials of the shared surface shall be specified and agreed in subsequent planning applications.

Cost estimates

Link from Drum through open space on Candlemaker's Park

£100 per metre for installing a new 3m path = £7,500

Lighting the path = £3,000

Land purchase = £5,000 (but dependant on a number of variables)

Link from Candlemaker's Park to Drum Avenue/Drum Park

25m of 3m wide path including drop kerbs = £3,000

Land purchase = £2,000

Scale, Design and Materials

The final design of the residential units will be determined in further applications. It should include variation within the layout, character areas, forms and materials and further detailed design with respect to the proposed housing typologies.

In terms of the scale of the residential units, the proposed three storey flatted properties along Drum Street are appropriate in terms of height and massing and would provide a robust edge to the site. There is a single storey side extension at 131 Drum Street adjacent to the site. However the predominant character and scale along Drum Street is three storey flatted properties which the proposal is compatible with.

Similarly, the proposed three storey corner flatted properties fronting Candlemaker's Park alongside with two storey terrace properties will provide a development that is appropriate by allowing the completion of Candlemaker's streetscape and it will form a strong edge to the site. However, the appropriateness of this double fronted housing model will be dependent on the final design and this will be in matters specified in conditions.

The inner area of the site layout will comprise of two storey detached and semi-detached housing and this reflects those in the existing area on Candlemaker's Park. There are sections in the plan however that indicates that the height of some of the units may increase. This will be considered in detail as part of an AMC application.

A clear distinction between public and private spaces, defined by appropriate boundaries such as walls or railings shall be specified in subsequent applications.

It is proposed that 175 residential units will be provided on site and this meets the higher density figure as set in table 4 of the Second Proposed LDP. This figure is supported by National Planning Framework 3 and Scottish Planning Policy. National Planning Framework 3 paragraph 2.20 provides support for increased densities in key locations which are well served by public transport.

South East Edinburgh is one such location, and the good accessibility of part of application site is one of the reasons for its allocation in the Plan. Scottish Planning Policy in paragraphs 45 and 46 supports the use of higher densities to help achieve some of the six qualities of successful places.

The appropriateness of this higher density has addressed issues of open space, unit mix, daylight and sunlight. The indicative layout will have no adverse impact on neighbouring amenity. The final design and layout of the site will be required to address issues of residential design, internal landscaping and privacy. These matters would be considered as part of a further application for the approval specified in conditions.

In summary, the indicative layout broadly complies with the Gilmerton Site Brief and there are no overriding issues in relation to the effect on the designed landscape and provision of green network connections which prevent the development of housing on this site. Further assessment of detailed matters will be carried out with the submission of detailed applications.

d) Parking, access and road safety arrangements

The Transport Assessment submitted in support of the application states that the additional traffic associated with 175 units can be accommodated on the local road network without the need for significant upgrading.

The majority of the site is currently served by a field access via a three arm priority junction with Candlemaker's Park, with a further three arm junction proposed to the west of this junction to serve 24 flats. These junctions will be formalised as part of the development proposals as shown in the indicative site layout. An independent Stage 1 Road Safety User Audit was undertaken for the site access proposals which identified no issues with the access solution.

The vehicle access proposals for Candlemaker's Field will not impact on any access opportunities to the adjacent allocated housing site HGS 24 as it has been confirmed by City of Edinburgh Council (CEC) that access to this site will be taken from Gilmerton Station Road.

In terms of car and cycle parking, the proposals are acceptable. A Quality Audit, as set out in Designing Streets was submitted in support of the indicative site layout and Transport has accepted the findings.

The Action Programme of the Second Proposed LDP sets out actions to help mitigate the impact of strategic and planned growth and to deliver the policies and proposals identified within the Second Proposed LDP. LDP policies Del 1 (Developer Contributions) and policy Del 2 (Retrospective Developer Contributions) set out the Council's approach to the provision of infrastructure and improvements associated with development, taking into account of current economic conditions. Non statutory guidance provides advice on implementation of these policies.

For each of the development sites identified within the Plan, the Action Programme also identifies site specific transport, and other actions, which are required to mitigate the impact of the development, or in some cases several developments.

The transport requirements for this site include reconfiguration of the Gilmerton Crossroads junctions with access and parking strategy for Drum Street to alleviate congestion caused by parked cars close to the junction.

Site specific transport actions include the provision of a cycle link from Gilmerton Road to Lasswade Road, the upgrading of bus stops and enhancement of peak capacity on Gilmerton Road and the provision of a cycle link from Drum Street to SE Wedge Parkland.

In accordance with the Developer Contributions and Affordable housing guidance, the application site's share of these Action Programme transport actions is £130,900. This shall be secured by a Section 75 Legal Agreement.

Transport has no objection to the proposed development subject to the submission of a Draft Travel Plan prior to first occupation of the development and submission of a Final Travel Plan to be submitted within twelve months of that date. This can be covered by condition.

Details of the layout and extent of adoptable road, including footways shall be specified and agreed in subsequent planning applications.

Financial contributions of £2,000 are required for the redetermination of footways, verges and carriageways as required to form the access to the development and £2,000 to progress an order to control disabled parking places if necessary. This shall be secured by a Section 75 Legal Agreement.

e) Sustainability

The applicant has submitted a Sustainability Statement in support of the application. This assessment only considers the principle of residential development on this site and matters of sustainability will be reserved for approval at the detailed stage. Nevertheless, the applicant has expressed a commitment to achieving sustainable measures with the inclusion of a SUD pond and other sustainable measures.

f) Equalities and Human Rights Impacts

An Equalities and Rights Impact Assessment has been carried out. Although there are no issues raised with the principle of this development, further assessments will be carried out as the subsequent applications for approval of matters specified in conditions are submitted.

g) Public comments

- Contrary to green belt policy-addressed in 3.3 (a);
- Loss of green belt- addressed in 3.3 (a);
- Proposed density too high- addressed in 3.3 (c);
- Impact on neighborhood's character - addressed in 3.3 (c);
- Development proximity to existing properties - addressed in 3.3 (b) and (c);
- Removal of woodland trees - addressed in 3.3 (b);
- Impact on natural habitat- addressed in 3.3 (h);

- Ecology report incomplete or inaccurate - addressed in 3.3 (h);
- Impact on wider landscape setting of city - addressed in 3.3 (a);
- Traffic impacts, particularly on Drum Street- addressed in 3.3 (d);
- Traffic analysis incomplete or inaccurate- addressed in 3.3 (d);
- Increase air pollution- addressed in 3.3 (h);
- Increase demand on local provision-schools and health centres-addressed in 3.3 (h);
- Historic land use of site - addressed in 3.3 (h); and
- Under provision of car parking - addressed in 3.3 (d).

Issues about increase in crime and negative impact on well being are not material planning issues.

Community Council Comments

The Gilmerton and Inch Community Council objects to the development proposals as it will involve building on green belt land and the character of the rural setting and wider landscape setting of the city will be impacted. The increase in traffic will have an adverse impact on the amenity of neighbourhood and will result in air quality issues. The proposal will result pressure to existing local health services and concerns of flood risks were raised. These issues are covered in assessment 3.3 (a), (c), (d) and (h).

h) There are any other material planning considerations

Affordable housing

The applicant has indicated a commitment to provide 25% on-site affordable housing provision. This provision would accord with the relevant development plan policy and a legal agreement is recommended. Detailed proposals of affordable provision should demonstrate a tenure blind development.

Education

The Second Proposed LDP Action Programme (Updated May 2015) sets out requirements for educational infrastructure within the South East Edinburgh- Liberton and Gilmerton - Contribution Zone. Two options are proposed comprising the provision of additional education capacity within South East Edinburgh.

Option 1 - new ND Primary Schools (proposal SCH7 and SCH8), extensions to St John Vianney RC Primary School and St Catherine's RC Primary School and additional capacity in Liberton or Gracemount High School.

Option2 - the extension of existing schools within the area.

The application site's (175 units) total share of the education costs within the Liberton and Gilmerton Assessment Zone is £4,105,393.88 (including inflation, contingency and land costs).

This is sufficient to allow either Option 1 or Option 2 to be progressed by the Council. It should be noted that the costs are not derived from agreed guidance but represent the most up-to-date cost assumptions.

The applicant has agreed to meet the required education contribution up to the figure of £4,105,393.88 (June 2015 values) subject to confirmation of which education option is to be taken forward and the finalisation of the specification. This will be secured through a legal agreement. Contributions include inflation up front and index linking to the BCIS All in Tender Price Index will only be required beyond the estimated delivery date of actions within a Zone. Details of delivery dates will be provided by the Council during negotiations on planning obligations.

Health care services

Concerns were raised on the impact of the proposed housing development on the capacity of existing local medical services. This issue has also been raised within the context of new housing allocations identified in the Proposed Local Development Plan. The provision of primary care facilities is currently the responsibility of the Edinburgh Community Health Partnership. From 2015, this is expected to come under the integrated Edinburgh Health and Social Care Partnership. Discussions are taking place between the Council and NHS Lothian on how best to plan for the healthcare facilities required in conjunction with new housing development. As these discussions progress and more detailed information becomes available, this can be incorporated into the Local Development Plan Action Programme through its annual review. It may be appropriate in the future to seek developer contributions towards healthcare facilities. However, there is no justification to do so for this application.

Air Quality

An air quality impact assessment was provided in support of the application. Environmental Services has reviewed and accepted the findings. The proposal is therefore acceptable in terms of air quality.

Archaeology

The site is identified as being within an area of archaeological and historical significance due to its close association with the Drum Estate. The proposal is unlikely to have an impact on any significant archaeology in this area given that the main part of the development site has been largely affected by 1980s/ 90s landfill operations.

However, key elements of the historic landscape will continue to survive within the application site, namely the tree belts across the northern and eastern edges of the site. Associated works including landscaping and access pathways may have an archaeological impact which is viewed at this stage being low-moderate.

Therefore, it would be essential to ensure that a programme of archaeological work is undertaken to fully excavate, record and analysis any surviving archaeological remains. A condition requiring a programme of archaeological works to be undertaken either prior to or during construction is recommended.

Woodland habitat

Drum Wood Local Nature Conservation Site lies to the north and east of the site. The Ecological Assessment submitted concludes that the proposed development is not likely to have an adverse impact on the Local Nature Conservation Site.

The survey has identified the presence of two invasive non-native species on site, Japanese Knotweed and Giant Hogweed. A method statement for the removal of invasive non-native species should be provided for the approval by the Head of Planning prior to works commencing on site.

The Ecological Assessment found that the proposed development would not adversely impact on protected species. Specifically, there will be no impact on Badger populations but a precautionary measure is recommended to be put in place to safeguard small mammals during construction. This recommendation will be included as an informative.

The development will involve the loss of neutral grassland, plantation woodland and tall ruderal habitat which would be replaced by housing, private gardens, public open space and tree planting. The potential to increase bat foraging and bird nesting habitat is identified. Consequently capacity for tree and woodland planting should be demonstrated. This should be addressed at AMC stage.

Site Remediation

A Report on Preliminary Site Investigations was submitted in support of the application. The Coal Authority is satisfied that remedial measures proposed by the applicant are appropriate to address the coal mining legacy issues present on the site. It is recommended that works, including investigations for the potential unrecorded mine entry on the site are undertaken on site prior to commencement of development.

As the site is an existing landfill, there is potential that the ground is contaminated from previous operations. Environmental Assessment highlights that the Preliminary Site Investigations report is only preliminary in nature. Therefore, the site will require further characterisation and a risk assessment, which should be updated to enable a detailed remedial schedule to be provided. A condition requiring the applicant to provide the necessary information will be required in order to determine that the land is made suitable for residential purposes in terms of possible risks from contamination.

Drainage

A Flood Risk and Drainage Strategy report that accompanied the application confirmed that there is sufficient space to install pipework capacity to keep all 1 in 200 year flows below ground. The applicant has provided a detailed surface water management plan and has confirmed that the flows will not be directed into the properties and that additional run-off will be directed into the proposed SUD pond. CEC Flood Prevention has no further comments.

The integration of the SUDs detention basin will also be considered in line with the Council's Design Guidance in subsequent AMC applications.

Conclusion

In conclusion, the proposed development is contrary to the adopted Edinburgh City Local Plan in that it involves a non conforming Green Belt development. The proposal is therefore contrary to policy ENV 10 of the Edinburgh City Local Plan and it constitutes a departure from the Development Plan.

However the site was identified as a housing proposal in the first Proposed LDP and is also included in the Second Proposed LDP as housing proposal HSG 25 with an indicative capacity of 125- 175 units. The application is therefore in accordance with policy Hou 1a) in the Second Proposed LDP, which supports development on sites allocated in this Plan to meet strategic housing requirements.

The infrastructure required to support this development and neighbouring LDP housing sites has been identified and costs calculated. The applicant has indicated that it is able to meet the develop contributions required in full.

The scale, layout and replacement woodland planting are acceptable in principle. The arrangements for parking are acceptable and there are no implications for road safety. Flood risk issues have been addressed and the Surface Water Drainage design is acceptable.

The indicative residential layout is acceptable in principle, subject to further details of the residential accommodation, height, design, amenity, detailed landscaping, ground conditions, SUD design, and sustainability which will be addressed through the submission of further applications for approval of matters specified in conditions.

There are no material considerations that outweigh this conclusion. It is recommended that the Committee approves this application subject to conditions relating to the submission of detailed plans showing the final height, design, residential amenity, landscaping, ground conditions, SUD design, and sustainability will be addressed through the submission of further applications for approval of matters specified in conditions.

The Legal Agreement is proposed to implement the requirements of the Second Proposed LDP Action Programme in terms of education contributions and transport requirements.

Affordable housing, green network links and tree management plans will also be covered by a Legal Agreement.

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

3.4 Conditions/reasons/informatives

1. Notwithstanding the approved plans.

Prior to the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Head of Planning and Building Standards, in the form of a detailed layout of that phase of the site and include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- a) Siting, design and height of development, including design of all external features, glazing specifications, internal accommodation and materials;
 - b) Design and configuration of public and open spaces, all external materials and finishes;
 - c) Car and cycle parking, access, road layouts and alignment, classification of streets and servicing areas;
 - d) Waste management and recycling facilities;
 - e) Sustainability details; and
 - f) Hard and soft landscaping details, including:
 - I. Walls, fences, gates and any other boundary treatments;
 - II. The location of new trees, shrubs and hedges within the residential area;
 - III. A schedule of plants to comprise species, plant size and proposed number/density;
 - IV. Programme of completion and subsequent maintenance;
 - V. Existing and proposed services such as cables, pipelines, substations;
 - VI. Other artefacts and structures such as street furniture, including lighting columns and fittings, and play equipment;
 - VII. Details of phasing of these works;
 - VIII. Cross sections of the site and existing and finished ground levels in relation to Ordnance Datum.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. i) Prior to the commencement of construction works on site:
- a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

4. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

5. Prior to the commencement of any works, a site investigation must be carried out to establish the potential of an unrecorded mine entry on the site. Details of findings shall be submitted to the planning authority, in consultation with The Coal Authority.
6. Prior to works commencing on site, a method statement for the removal of invasive non-native species shall be provided for the approval by the Head of Planning.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to safeguard the interests of archaeological heritage.
5. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
6. In order to ensure that the site is suitable for redevelopment.

Informatives

It should be noted that:

1. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal 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 3 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. The applicant shall enter into a suitable legal agreement in respect of the following:

1. Education Contributions (£4,105,393.88)
2. Transport Contributions (£134,900)
3. Footpath Links (£20,500)
4. Affordable Housing (25%)

3. 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.

4. 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.

5. 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. The layout and extent of adoptable road, including footways etc., to be agreed.

6. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth).

7. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.

8. Any gate or gates must open inwards onto the property.

9. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.

10. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured.

11. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012.

12. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

13. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

14. The design and integration of a SUD pond should comply with non-statutory 'Edinburgh Design Guidance'.

15. Surface water discharge to the water environment shall be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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

In accordance with The Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 22.11.2013. Copies of the Notice were also issued to:

- Gilmerton Community Council;
- Liberton and Gilmerton Neighbourhood Partnership; and
- Local ward Councillors.

Two community consultation events were held in February 2014. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online service.

The proposals were submitted to the Urban Design Panel on 26 February 2014. Full details of the response can be found in the Consultations section.

Publicity summary of representations and Community Council comments

Following neighbour notification and press advertisement, the application received 4 letters of objection.

The material points of objection are:

- Contrary to green belt policy;
- Loss of greenbelt;
- Proposed density too high;
- Impact on neighborhood's character;
- Development proximity to existing properties;
- Removal of woodland trees;
- Impact on natural habitat;
- Ecology report incomplete or inaccurate;
- Impact on wider landscape setting of city;
- Traffic impacts, particularly on Drum Street;
- Traffic analysis incomplete or inaccurate;
- Increase air pollution;
- Increase demand on local provision-schools and health centre;
- Historic land use of site; and
- Under provision of car parking.

The non- material points of objection are:

- Cost of house bought for rural setting;
- Likely to increase road accidents involving children;
- Misleading consultation information;
- Impact on physical and mental health of residents; and
- Increase security and criminal issues from lack of policing resources.

Background reading/external references

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

**Statutory Development
Plan Provision**

Strategic Development Plan (June 2013)

Policy 1A outlines the spatial strategy for the SDP including the identification of 13 Strategic Development Areas of which South East Edinburgh is identified as a Strategic Development Area.

Policy 7 require a five years effective housing land supply to be maintained.

Scottish Planning Policy

SPP requires a supply of effective land for at least five years to be maintained at all times.

Finalised SDP Supplementary Guidance

The Finalised SDP sets out housing land requirements for each of the six Council areas as required by SDP policy 5.

Edinburgh City Local Plan

The site is within the Edinburgh Green Belt.

Second Proposed Local Development Plan

The site is identified as housing allocation HSG 25.

Date registered

1 April 2014

Drawing numbers/Scheme

01, 02e, 03e, 04b, 05a, 06c, 07a, 08a, 09b, 10, 11a, 12a, and 13.,

Variation 2

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Laura Loudon, Planning Officer

E-mail:laura.loudon@edinburgh.gov.uk Tel:0131 529 3911

Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Relevant Policies of the Strategic Development Plan

Policy 7 requires that a 5 year housing land supply is maintained. Sites within or outwith Strategic Development Areas may be allocated in LDPs or granted consent subject to the development; being in accord with the character of the settlement or area, not undermining green belt objectives and any additional infrastructure required is either committed or to be funded by the developer.

Relevant policies of the Proposed Local Development Plan.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Appendix 1

Application for Planning Permission in Principle 14/01238/PPP

At Land 126 Metres North Of 137 Drum Street, Candlemaker's Park, Edinburgh Planning Permission in Principle for Residential Development and Associated Works.

Consultations

Edinburgh Urban Design Panel- dated 26 February 2014

Executive Summary

The Panel welcomes the opportunity to review the proposal at this stage. The Panel would support further design development of this proposal prior to submission of a planning permission in principle to test and expand the design and design principles so they can form part of the planning permission in principle and therefore inform any detailed application coming forward for this site.

Main Report

1 Introduction

1.1 This report relates to proposals for housing on land 126 meters north of 137 Drum Street.

1.2 The land is currently designated on green belt in the adopted Edinburgh City Local Plan (2010) and forms part of a Historic Garden/ Designated Landscape-Inventory Site. The Proposed Local Development Plan (LDP) designates the land as urban area, with the majority of the site allocated for housing (HSG 25) with an estimated capacity of 125 - 175 units.

A revised LDP will be reported to Planning in May 2014 that will take account of the supplementary guidance being prepared for housing land for South East Scotland Strategic Development Plan (SES Plan).

Planning permission in principle will be sought for the erection of residential development and ancillary uses. It is indicated that residential developments will mainly comprise of two storeys with some being of three.

1.3 This is the first time that the proposals have been reviewed.

1.4 One declaration of interest was made from Julie Wilson and she did not take part in the Panel's discussion.

1.5 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.

1.6 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

2 Landscape

2.1 The Panel welcomed a landscape professional as part of the presenting team for this site and at this stage of the design process. The Panel suggested that although the Simpson and Brown Conservation Report has informed some of the design decisions for this site they encouraged further analysis of the historic landscape maps which may allow elements of the historic landscape to be used to inform the design and may help provide a sense of place.

2.2 The Panel suggested that that the existing woodland enclosures to the north west require to be enhanced to provide a long term defensible greenbelt boundary and buffer to the designed landscape. This is particularly important given the topography of the site and the importance of screening the development on these edges. With respect to this point the panel therefore does not support a design which seeks to of provide views out to the landscapes beyond.

2.3 The Panel were not convinced with the location or quality of the proposed green link through the site. The location of the green link does not appear to link to public accessible space and therefore it was suggested that this green link may be better located where a pedestrian link can be made to the adjacent residential area which could then link to the designed landscape.

3 Layout

3.1 The Panel supported the design approach of fronting development to Candlemaker's Park to allow the completion of the streetscape. However, the Panel stressed the difficulties of designing a successful double fronted housing model.

3.2 The Panel expressed concerned regarding the lack of physical linkages to the adjacent area both pedestrian and vehicular. However, at the same time acknowledged that the site constraints make these linkages very difficult to achieve and that the design team are trying to maximise these opportunities where possible.

4 Transport

4.1 The Panel encouraged the design team to seek the advice of a transport planner at this stage of the design process given the potential issues with respect to traffic movements on the existing network not just from this development but from the allocated housing site to the south. The Panel therefore encouraged the design team to carry out a transport appraisal for both of these sites, at this stage of the design process to ensure a coordinated solution for both sites.

4.2 The Panel noted that this layout does not follow the principles of designing streets in that it is effectively a cul de sac with only one vehicular link to the adjacent area. However, it was recognised that the layout of existing housing provides limited opportunity to do so. It was also noted that this single access is on the limit with respect to CEC Transport Planners requirements for car movements from one access junction.

4.3 With respect to sustainability the Panel noted that given the proximity to the bypass this site would probably encourage car ownership but also noted that it had good public transport links and was within 400 meters of local shops.

5 Affordable Housing

5.1 The approach of including affordable housing on the site was supported by the Panel and they encouraged the design team to ensure that this element of the proposal is designed to the same standards as the rest of the site therefore insuring a tenure blind approach.

6 Design principles and codes

6.1 This proposal will form part of an application for a planning permission in principle. The Panel encouraged further design development of this design to allow further testing of the design principles so they can form part of the planning permission in principle and also inform a detailed application for this site. These design principles and codes should include reassurance of variation within the layout, character areas, forms and materials including colour given its sensitive location and further detailed design with respect to the proposed housing typologies.

7 Recommendations

7.1 In developing the design, the Panel supports the following aspects of it and therefore advocates that these should remain in the proposals:

- The completion of the streetscape to Candlemaker's Park by fronting development.
- The retention of the existing woodland enclosure.
- The inclusion of affordable housing on the site.

7.2 In developing the proposals the Panel suggests the following matters should be addressed:

- Further historical analysis to be carried out with respect to the designed landscape which may help to inform the design.
- Reconsideration of the design and location of the proposed green link.
- Further reinforcement of the existing woodland.
- Maximise linkages/permeability where possible.
- Further design development to test the design principles and inform design codes for the site.
- A transport appraisal should be carried out for both allocated housing sites to ensure a coordinated approach.

Children & Families

Response 1- dated June 19 2014

I refer to your memo dated 2 April, 2014 requesting comments on educational provision for the above noted planning application. Children and Families comments are based on a residential development of up to 175 dwellings.

This site is located within the catchment areas of:

- Gilmerton Primary School;*
- St John Vianney RC Primary School;*
- Liberton High School; and*
- Holy Rood RC High School.*

The site is allocated in the Edinburgh Local Development Plan (ELDP) 2013 for 125 - 175 new dwellings (HSG 25).

A revised Edinburgh Local Development Plan will be taken to Planning Committee on June 19, 2014. The plan retains the housing site at The Drum and its proposed capacity. The revised plan will be accompanied by an updated Education Infrastructure Appraisal setting out the required educational infrastructure and estimated costs of provision to support the new housing proposals.

An associated Action Programme will be taken forward that sets out the funding mechanisms to deliver the infrastructure requirements.

On the basis that the Planning Committee approves the revised ELDP and supporting background papers and subject to the appropriate Section 75's agreements being made in respect of the required educational infrastructural requirements, Children & Families has no objection to the proposed development.

Response 2- dated June 03 2015

This application relates to a site which is included in the second proposed Local Development Plan (LDP). The estimated pupil generation for this site included within the Education Infrastructure Appraisal (EIA) prepared in line with the LDP indicate this development would generate the number of pupils in the table below.

<i>Predicted Pupil Generation</i>	
<i>ND Primary</i>	<i>39</i>
<i>RC Primary</i>	<i>6</i>
<i>ND Secondary</i>	<i>25</i>
<i>RC Secondary</i>	<i>4</i>

The education infrastructure appraisal assumes an 80/20 split in terms of houses/flats and assuming this is retained in the overall numbers of units ultimately provided by this site the pupil generation in the above table is correct and the education infrastructure actions contained within the Gilmerton/Liberton LDP Cumulative Assessment Area do not need to change. If this split of houses/flats changes then the education infrastructure requirements contained within the action programme would require to be reassessed.

Costs within a contribution zone are distributed pro-rata. The planning policy team should be consulted to advise on the value of the actual developers contributions to be requested.

It is worth bearing in mind the costs in the EIA are based on Q1 2014 and payment of contributions should be index linked to the BICS All in Tender Price Index from April 2014. The costs in the EIA do not include land costs; abnormals or any site specific costs (e.g. remediation requirements, external infrastructure requirements).

Flood Prevention

Response 1 - dated May 01 2014

- 1. The design concept is incorrect. SPP requires that properties are not at risk to flooding for the 200 year event, not the lower 100 year event.*
- 2. The MicroDrainage calculations indicate that the surface water network is at surcharged and flood conditions. This is unacceptable under SPP. The network capacity will need to be increased.*
- 3. The greenfield runoff rate has been calculated using an impermeable area of 4.7ha. It is unknown whether this is the impermeable area or the whole area. The runoff rate should only be calculated for the impermeable area.*
- 4. Drawing 13018-52-001 indicate that properties are proposed to built above Scottish Water pipelines. It is recommended that advise be obtained from SW that this is allowed. It is not standard practice to construct properties above pipelines.*
- 5. No details of the intended SUDS infrastructure have been supplied.*
- 6. No adoption agreement from Scottish Water is supplied.*
- 7. No flowpath diagrams for pre and post development have been supplied.*

Response 2- dated July 07 2014

I have no further comments with regards to this planning application. However points that should be clarified and determined during the next planning process is:

- 1. It is disappointing to see the SUDS basin stuck out on a limb and looking pretty much like a crater. We are requesting that developers soften the pond and make it more integral to the development. Julie Waldron the Council landscape architect will be able to assist in these discussions. It is also recommended from a health and safety aspect that the ponds sides be designed with a 1:8 gradient or lesser.*
- 2. The developer/architect must make full account of surface water flows. This is twofold - ensuring that flows are not directed into properties and detailing how exceedence flows will be directed into the SUDS pond. Exceedence being either due to a larger storm and therefore undercapacity within the pipelines, or from a blockage occurring.*
- 3. Proof that Scottish Water will adopt the drainage infrastructure including SUDS ponds.*

Response 3 - dated February 04 2015

As far as I can see this is the only thing outstanding. I'm happy that the drainage calculations show that the system operates to the required design event, it's just tying in the updated calculations with the drawings that have been provided to ensure we have the full package of drawings and calculations which tie together correctly. If you could ask the applicant to undertake their own checks of the detention basing volume that would be useful. They can't rely on my calculations.

Response 4 - dated February 05 2015

Numbers are included in the plan drawings so they are committed to the size of basin they have designed for.

Scottish Water comment

Scottish Water has no objection to this planning application. Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

Glencorse Water Treatment Works currently has capacity to service this proposed development.

Edinburgh Waste Water Treatment Works currently has capacity to service this proposed development.

In some circumstances it may be necessary for the Developer to fund works on existing infrastructure to enable their development to connect. Should we become aware of any issues such as flooding, low pressure, etc the Developer will be required to fund works to mitigate the effect of the development on existing customers. Scottish Water can make a contribution to these costs through Reasonable Cost funding rules.

A totally separate drainage system will be required with the surface water discharging to a suitable outlet. Scottish Water requires a sustainable urban drainage system (SUDS) as detailed in Sewers for Scotland 2 if the system is to be considered for adoption.

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements installed, subject to compliance with the current water byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

Affordable Housing - dated April 30 2014

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Requirement

As this application is proposing a development which could accommodate up to 175 units, the AHP will apply and as such 43 (25%) of the units will be required to be of approved affordable housing tenures, as found in Planning Advice Note 2/2010 and within the Council's AHP. The applicant has made a commitment to provide 25% of the homes as affordable housing and this is welcomed by this department.

Regarding accessibility, the affordable housing is proposed to be situated in one corner of the site adjacent to the A772, a major arterial road with existing frequent public bus services. The Transport Assessment by SKM Colin Buchanan (Section 2.32) states that all areas of the site are within 400 metres walking distance of public transport links. As all locations across the site are readily accessible to public transport, this department considers that the affordable housing could be better integrated across the wider site in the interest of delivering a mixed sustainable community.

In terms of house types and sizes, the market homes are all low-rise family housing units, whereas the affordable housing element is all flatted. This department does not consider that this offers a representative mix.

3. Summary

The applicant has made a commitment to provide 25% affordable housing on this site and this is welcomed. This is sufficient detail for an application such as this for planning permission in principle.

However, in any future detailed application this department would require the following further information to improve integration:

- The location, mix and range of sizes of the affordable housing should be a representative mix of the overall development, in the interests of achieving a mixed sustainable community. As such there should be a mix of houses and apartments within both the market and affordable homes.*
- The affordable housing contribution should be delivered at the earliest possible opportunity within development and follow the principles of blind tenure construction.*
- The applicant will be required to enter into a Section 75 Legal Agreement to assure delivery of the affordable housing.*
- 25% of affordable housing is delivered onsite, across at least two locations due to the size of the development, which will guard against any concentration of affordable housing being delivered*

We would welcome engagement by the applicant with regard to the affordable housing element of this proposal.

Historic Scotland- dated April 22 2014

We have considered your consultation for Planning Permission in Principle for Residential Development and Associated Works and comment as follows:

The proposed development site is partially located within the SW edge of The Drum designed landscape, which is included in the Inventory of Gardens and Designed Landscapes in recognition of its national importance. Although the development site historically formed part of The Drum estate, this area has undergone significant change in the later 20th century, as the site was subject to mining activity and then later used as landfill. This has resulted in a significant change to the landscape character and landform of this part of the estate. We have previously commented on this land allocation in Main Issues Report of the City of Edinburgh Local Development Plan and concluded that, for these reasons, housing could be accommodated on this site without significant adverse impact on the character of the designed landscape. The development site is screened from view from the West Drive by a dense line of mature poplar trees and the site is not visible in views from the core of the estate around the Category A-listed mansion house. We therefore do not object to this development proposal.

We would, however, like to offer the following advice: In order to minimise the impact of the development on the Inventory designed landscape, it will be necessary to ensure that the development does not encroach visually into the less altered areas of the designed landscape to the east and the north. Because of the artificially raised nature of the site, the mitigation required to achieve this is likely to involve appropriate planted screening, which is proposed. However, I note that parts of the northern edge of the development as currently proposed appear very close to the site boundary and the edge of the estate walled garden to the north, with little space for a significant planted buffer.

The existing line of poplar trees on the eastern side of the site were planted in the later 20th century to screen the landfill site. These are proposed for retention and would assist with screening. However, I note that on the submitted Landscape Masterplan the line of poplars appears to lie outside the application boundary, so potentially outwith the control of the development. Also, poplars are neither long-lived nor an appropriate species in this designed landscape context. You may wish to consider gradually replacing the poplars with a planted buffer of large broadleaved tree species found elsewhere across the designed landscape. However, careful management will be required to ensure that adequate levels of screening are maintained during the period of establishment.

No cross-sectional elevations showing the topography of the site appear to have been submitted as part of this application. The landform in parts of the development site is very elevated and the ground is very steep, and without this information it is not clear how the proposed houses would sit in the site. We recommend that careful consideration is given to the scale, density and layout of buildings on the site, to avoid skylining in views from the designed landscape.

Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.

Police Scotland- dated April 14 2014

- The area surrounding the site experiences a low to medium level of recorded crime.*
- It is recommended that the developer follow the principles of Secure By Design*

-It is recommended that the path between plot 89 and plot 90 is removed or if unable to do this then the garage building at this point should be removed and the full width be used for access to the woodland.

SEPA - dated April 16 2014

We ask that the planning condition in Section 2 be attached to the consent. If this will not be applied, then please consider this representation as an objection. Please also note the advice provided below.

1. Foul Drainage

1.1 Foul drainage from the site should be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

2. Surface Water Drainage

2.1 We ask that a planning condition is attached to any consent requiring the discharge of surface water to the water environment to be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA. If this condition is not inserted please consider this response an objection. Section 4.02 of the Flood Risk and Drainage Strategy provides detail of SUDS measures to be employed which are acceptable in principle.

2.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

2.3 Surface water drainage from the construction phase should also be dealt with by SUDS. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

3. Historic Landfilling Activities

3.1 We note the application form and Site Investigation Report mention that the site has been subject to previous quarrying activities and subsequent infill with inert material. Our operations staff have no record of any licensed waste management activities at this location. Given the reference within the supporting documentation to the land being 'the site of modern landfill operations in the late 1980's' we would recommend that the Council's contaminated land officer is consulted as a part of the planning application determination.

4. Domestic Waste Management

4.1 Scottish Planning Policy Paragraph 215 states that "residential, commercial and industrial properties should be designed to provide for waste separation and collection." In accordance with this policy and PAN 63 Waste Management Planning, space should be designated within the planning application site layout to allow for the separation and collection of waste, consistent with the type of development proposed. Please consult with your local council's waste management team to determine what space requirements are required within the application site layout. Some local authorities have an information sheet setting out space requirements.

5. Construction/Demolition, Pollution Prevention

5.1 Construction/demolition works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution.

Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at www.sepa.org.uk and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

5.2 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

5.3 The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.

Regulatory Advice for the Applicant

6. Regulatory Requirements

6.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:

Clearwater House, Heriot Watt Research Park, Avenue North, Riccarton, EH14 4AP, tel 0131 449 7296

If you have any queries relating to this letter, please contact me by telephone on 01786 452537 or e-mail at planning.se@sepa.org.uk

Archaeology- dated May 21 2014

The site overlies the western corner of the historic Landscape designed by William Adam for Drum House. The current house was constructed c.1726 for the 12th Lord Somerville replacing the original 16th century mansion house begun in 1584. Accordingly this site has been identified as occurring within an area of archaeological and historical significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV 7, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The supporting historic background report undertaken by Envirocheck demonstrates that the main part of development site has been severely affected by 1980s/90s landfill operations. As such it is considered unlikely that the proposed housing will impact upon any significant archaeology in this area. That said important elements of the historic landscape still survive within the application site namely the tree belts across the northern and eastern sides of the site. As such associated works (e.g. landscaping, access paths) undertaken in these may have an archaeological impact, though one which is considered at this PPP stage as being low-moderate.

It is essential that any final proposals seek to both respect these historic elements of the Drum Estate and ensure their longer term conservation. In addition if consent is granted it is recommend that the following condition is attached to ensure that a programme of archaeological works is undertaken prior to/during any works to ensure the appropriate protection and/or full excavation, recording and analysis of any surviving archaeological remains is undertaken.

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Transport Planning

Response 1- dated April 22 2014

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. 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. The layout and extent of adoptable road, including footways etc., to be agreed;*
- 2. A Quality Audit, as set out in Designing Streets, will be required as part of any further planning application;*
- 3. Cycle parking for those properties without garages will be required in a secure and undercover location. The design, layout and specification to be to the satisfaction of the Head of Transport;*
- 4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
- 5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
- 6. Any gate or gates must open inwards onto the property;*
- 7. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;*
- 8. The applicant should be informed that prior to carrying out any works to form a footway crossing a Minor Roadworks consent must be applied for and secured;*
- 9. The works to form a footway crossing must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of www.edinburgh.gov.uk/downloads/file/9579/householder_guidance_2012*
- 10. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.*

Response 2 - dated February 02 2015

Further to my memorandum of 22 April 2014, I confirm that I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. 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. The layout and extent of adoptable road, including footways etc., to be agreed;
2. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide, construct or contribute to:
 - a) a signalised crossing on Gilmerton Road near bus stops;
 - b) a draft Travel Plan prior to first occupation and a final Travel Plan within 12 months of that date;
 - c) Gilmerton Road/Gilmerton Station Road traffic signals;
 - d) cycle / pedestrian link between Gilmerton Road and Lasswade Road;
 - e) cycle / pedestrian link between Drum Street and SE Wedge Parkland;
 - f) upgrade bus stops and enhance peak hour bus capacity on Gilmerton Road;
 - g) reconfiguration of junction with access and parking strategy for Drum Street to alleviate congestion caused by parked cars close to the junction;
 - h) contribute the sum of £2,000 each, to progress suitable traffic orders to inter alia redetermine footways / carriageways, introduce yellow lines, control disabled parking spaces;
3. Cycle parking for those properties without garages will be required in a secure and undercover location. The design, layout and specification to be to be satisfaction of the Head of Transport;
4. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
5. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;
6. Any gate or gates must open inwards onto the property;
7. Any hard standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012;
8. The applicant should be informed that prior to carrying out any works to an existing road, whether adopted or not, a Minor Roadworks consent must be applied for and secured;
9. 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 Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Scottish Natural Heritage- May 05 2014

Thank you for your e-consultation. We do not intend to offer formal comment on this proposal as it falls below our threshold for consultation as outlined in our Service Statement for Planning and Development

Environment Assessment

Response 1- dated June 10 2014

Planning Permission in Principle for Residential Development and Associated Works on land 126m north of 137 Drum Street Candlemaker's Park (14/01238/PPP).

The proposals comprise of up to 175 residential units and associated infrastructure. The site is located within the north-western part of the Drum Estate at Candlemaker's Field. The site is bound by residential properties (Candlemaker's Park) to the west, and the wider Drum Estate to the north and east and there is a small hotel located to the south (Drum Street).

Due to the size and density of the site Environmental Assessment requested that the applicant assessed the potential impacts this proposed development will have on local air quality taking into account any other committed developments in the area. The applicant has submitted a support air quality impact assessment in which dispersion modelling was undertaken in order to quantify pollutant concentrations across the site and predict air quality impacts as a result of emissions associated with traffic generated by the development. Exceedences of the relevant Air Quality Objectives were not predicted at any location across the development. Predicted impacts on Nitrogen dioxide and Particulate Matter¹⁰ concentrations as a result of operational phase emissions were predicted to be negligible within the vicinity of the site. Environmental Assessment has considered these finding and accept its findings, therefore no objections will be raised on air quality grounds.

Due to the historic land use Environmental Assessment advises that a condition is attached to ensure that contaminated land issues are addressed. Environmental Assessment are still reviewing the submitted site investigation reports.

Therefore Environmental Assessment offers no objection for this application subject to the following condition;

The following conditions are recommended as pertaining to entire development site;

1. Prior to the commencement of construction works on site:

A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Planning Authority, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Planning Authority.

Response 2 - Dated June 19 2014

I refer to the following site investigation report that was submitted for consideration of potential development related risks associated with the presence of land contaminants on the subject site:

- Candlemaker Site, Drum Farm, Gilmerton, Edinburgh: Balmoral International Land UK Limited: Report on Preliminary Site Investigations: September 2013

It is noted that the assessments presented in the report are based on investigations indicated to be preliminary in nature with further investigations being proposed in accordance with recommendations made in Section 15.8 of the report. The comments raised below are provided in response to specified sections of the report, and are requested to be considered and addressed in relation to any further investigation works in order to resolve and expedite the discharge of any future planning conditions that may be used for the assessment of land contamination and remediation in connection with the development:

Site Investigations (section 3.0); Investigation Rationale (section 3.2)

Section 3.0 entitled 'Site Investigations' confirms the soil sampling was non targeted aimed at being compliant with BS 10175:2011 (section 3.2.1). The analytical density of the tested samples for the chosen contaminants of concern should therefore be reasonably comparable with recommended analytical densities given in BS10175: 2011 for residential developments and clearly demonstrated as such. Provision for further sampling for contaminants of potential concern should therefore be made where appropriate. This Department can concur with the recommendation (section 15.2.2) for further soil testing in relation to identifications of asbestos to determine any wider spread of contamination across the site.

Ground gas investigation:

It is understood that monitoring installations are installed in BH1, 3, 7, 10, 11, 13, 15. The depths and positioning of the response zones have not been clearly discussed or justified relative to the potential sources of gas identified in the preliminary conceptual model. Drawing no. G2013/247/SI/R/F/09 indicates up to three monitoring events have been completed in five of seven locations.

Since there is a requirement to demonstrate a likely worst case ground gas characteristic situation, it is considered that the gas monitoring data and assessment would benefit from further review to provide necessary information with regard to appropriate positioning of gas monitoring installations and requirements for frequency and duration of monitoring to determine a worst case gassing regime in relation to the sources identified (inert landfilling and shallow mine workings). It is considered that further monitoring rounds will be necessary to fully determine the gas regime to a high level of confidence.

Current guidance (e.g. Ciria C665, and BS: 8485) provide appropriate recommendations and the monitoring programme should be made comparable to this guidance in relation to number and positing of installations, and frequency and duration of monitoring relative to the identified sources under consideration and sensitivity of the development.

Ciria C665 reports that an under estimation of the gas regime on any given site will often arise from inappropriately positioned response zones and therefore a clear defensible rationale should be presented. It is understood gas sources will include fill material at depth and potential mine gas in the limestone coal formations. Coal seams that outcrop near the surface should be clearly identified.

Whether installations have been positioned to directly intercept the mine workings or the requirement for repositioning within or toward mine workings at depth as part of future investigation should be evaluated and discussed.

It should be noted that vigilance should be taken to ensure boreholes will not inadvertently lead to potential pathways with regard to future gas migration and as such provisions should be made for appropriate decommissioning of installations and/ or boreholes at depth should not be positioned directly beneath future buildings in the event of significant gas generation being identified.

Remediation Statement:

Once all development related risks arising from ground contamination conditions have been identified to a reasonable level of confidence, a remediation schedule detailing proposed specifications for any required remediation and gas protective measures and a detailed plan for subsequent verification reporting may be required for review/approval as a requirement of any prospective planning condition used for this purpose.

Coal Authority - dated April 22 2014

The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that the site is in the likely zone of influence from 10 coal seams at shallow to 368m depth, last worked in 1961. The shallowest recorded coal mine workings are at a depth of only 10m.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Report on Preliminary Site Investigations, dated September 2013 and prepared by Mason Evans Partnership Ltd, which accompanies this planning application. The Report on Preliminary Site Investigations has been informed by an appropriate range of sources of information including: BGS maps, historic ordnance survey maps, a Coal Mining Report and intrusive site investigations.

Section 13 of the report deals with coal mining issues and concludes that based on the detailed correlation of the information contained within the borehole records areas of the site are potentially at risk from mining instability and a scheme of drilling and grouting will be required to be implemented on site.

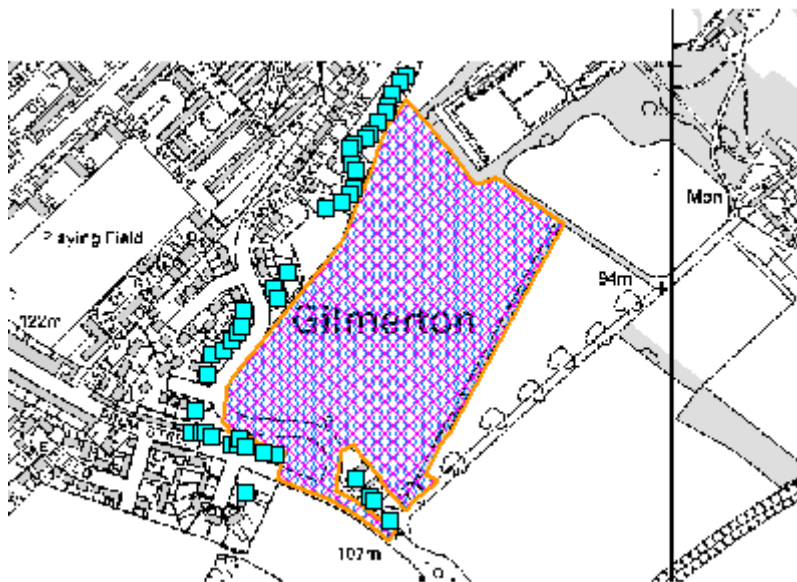
Paragraph 13.8.1 of the report states that information from the Council suggests an unrecorded mineshaft is present on the site and further investigation will be required in relation to this matter, possibly during grouting works and if confirmed will need to be stabilised. The location of any unrecorded mine entry found on site will need to inform the layout of future development. Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries: <http://coal.decc.gov.uk/assets/coal/whatwedo/4265-policy-for-building-over-or-within-the-influencing.pdf>

The Coal Authority is satisfied that the remedial measures proposed by the applicant following intrusive site investigation works set out in the Report on Preliminary Site Investigations are appropriate to address the coal mining legacy issues present on the application site. The Coal Authority therefore has no objection to the proposed development.

However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building warrant application.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development, to ensure that these works, including investigations for the potential unrecorded mine entry on the site, are undertaken on site prior to commencement of development.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 14/04980/FUL
At Telecomms Mast 70 Metres Northwest Of 50, Greenbank
Drive, Edinburgh
Permanent telecoms mast to replace the temporary masts
currently on the golf course (as amended).**

Item number 8.3

Report number

Wards A09 - Fountainbridge/Craiglockhart

Summary

The proposal does not adversely affect the character and appearance of the Area of Great Landscape Value, Nature Conservation Site, Open Space and Craiglockhart Hills Conservation Area or adversely impact on key views or residential amenity. There are no material considerations that outweigh this conclusion and approval is recommended.

Links

[Policies and guidance for this application](#)

LPC, CITE6, CITE11, CITE15, CITI5, CITOS1, NSG,

Report

Application for Planning Permission 14/04980/FUL At Telecomms Mast 70 Metres Northwest Of 50, Greenbank Drive, Edinburgh Permanent telecoms mast to replace the temporary masts currently on the golf course (as amended).

Recommendations

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

Background

2.1 Site description

The site forms part of the Merchant's of Edinburgh Golf Course. It is located on the south side of Glenlockhart Road in an elevated position on the lower slopes of Wester Craiglockhart Hill. The site has trees to the west and the site located to the south is currently under construction for 9 residential units.

The site lies within an Area of Great Landscape Value.

This application site is located within the Craiglockhart Hills Conservation Area.

2.2 Site History

2 November 2011 - Planning Permission granted for the erection of 23.5m tall lattice mast to accommodate telefonica and others (as replacement for existing apparatus on BT Tower off Greenbank Road), 9 equipment cabinets (all within timber close boarded fence compound) (11/02805/FUL)

Main report

3.1 Description Of The Proposal

Scheme 2

The location of the mast has been relocated 3.5 metres to the north of the location proposed in scheme 1 and 3 metres east to avoid any impacts on the trees.

Scheme 1

The proposal is for a 23.4 metre high and 1.1 metre wide telecommunications mast and associated equipment cabinets. These will be enclosed within a concrete compound measuring 10.9 metres in length by 3 metres in depth and enclosed by a 2 metre high close boarded fence. The mast is required to replace the existing two temporary masts located within the golf course.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 proposal will have an adverse impact on the character and appearance of the conservation area, Area of Great Landscape Value, Nature Conservation Site and Open Space;
- b) the proposal will have a detrimental impact upon the key views of the Pentland Hills;
- c) the proposal will be detrimental to the amenity of neighbours;
- d) any impacts on equalities or human rights are acceptable; and
- e) any comments raised have been addressed.

a) Character and appearance of Conservation Area, Area of Great Landscape Value, Nature Conservation and Open Space

Craiglockhart Hills Conservation Area Character Appraisal states that it comprises two hills, to the east and west, and an intervening valley. Institutional developments are located towards the edges with the hills forming the core. The Merchants of Edinburgh Golf Course runs diagonally across the site. Partly it is in the valley between the hills, but also wraps itself around higher and lower slopes. Glenlockhart Road is the only through road, linking Morningside/ Greenbank and Craiglockhart to give a brief but significant impression of a stretch of countryside in town.

When approaching the site from Glenlockhart Road, the mast is set a significant distance away from the road and the topography of the golf course results in the mast not being visible from this point. When approaching the site from Greenbank Drive /Wester Hill the north side of the street is heavily lined with trees and the site does not become visible until you reach the bus terminus. The site immediately in front of the mast is currently under development for 9 residential units. The proposed mast will be positioned within the bank of trees and will be partially visible in the autumn and winter months.

The mast is not proposed to be coloured and it is considered a condition colouring the mast a muted brown colour will ensure it sits comfortably within its surroundings. The proposed mast is not considered to be detrimental to the character and appearance of the conservation area.

Area of Great Landscape Value

The mast will be positioned behind a mature grouping of trees and when viewed from Greenbank Drive it will be absorbed into this background. When viewed from further north of Glenlockhart Road the mast will be visible but its height and location will not impinge upon the open views of the Pentland Hills. It is considered the loss will be minimal within the wider context and will not detract from the character and appearance of the Area of Great Landscape Value.

Nature Conservation

The proposed concrete base and mast has been moved 3 metres away from the trees to the west and 3.5 metres from the trees to the south to prevent any impact on the trees from the proposed development.

Open Space

The proposal is for the development of an area of open space which forms part of the Merchants of Edinburgh golf course. The site area covered by the proposal is small at approximately 35 square metres and therefore the loss of open space will be minimal in this context.

b) Key Views

The site is located within the Key Views Colvin and Moggridge skyline study of December 2010 for the Craiglockhart Hills - Pentland Hills. The mast will be visible above the line of the trees in this identified view. However, the mast will be set against the Pentland Hills and when viewed within the wider context will not impact on the view of the Pentlands.

c) Neighbouring Amenity

The nearest residential properties at Wester Hill are located approximately 64 metres away with the properties under construction sitting approximately 35 metres away from the proposed mast and are partially separated from the site by a woodland.

The applicant has submitted an ICNIRP declaration which states that the proposals are in compliance with the requirements of the radio frequency public exposure guidelines on the International Commission on non-ionising Radiation Protection. This meets the current government requirements and satisfactorily addresses the issues of potential or perceived health risk, and the particular circumstances of this case would not merit a departure from these requirements or outweigh national policy guidance.

The Planning Committee, on 9th August 2001, instructed that the Scottish Executive be required to ensure that appropriate measures are taken to advise the public of which statutory body was responsible for public health issues arising from the new regulations.

d) Equalities and human rights

This application was assessed in terms of equalities and human rights. No impact was identified.

e) Public Comments

The material points raised were;

- does not enhance the character and appearance of the conservation area - addressed in section 3.3a;
- impact the mast will have on the Area of Great Landscape Value- addressed in section 3.3a;
- damage to trees; - addressed in section 3.3a;
- spoil the views- addressed in section 3.3b; and
- proximity to the housing - addressed in section 3.3c.

Conclusion

In conclusion, the proposal will not adversely affect the character and appearance of the Area of Great Landscape Value, Nature Conservation Site, Open Space and Craiglockhart Hills Conservation Area or adversely impact on key views or residential amenity. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Within one month of the mast being erected on site the approved telecommunications mast shall be painted an olive brown colour (RAL 8008).
2. In the event that the equipment hereby approved becomes obsolete or redundant, it must be removed and the site reinstated to the satisfaction of the Planning Authority within 3 months of the date of obsolescence or redundancy.

Reasons:-

1. In order to reduce the visual impact of the mast.
2. To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard.

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 is not subject to 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

The application was advertised on 9 January 2015 and a total of 43 objections were received. The main grounds of objections are as follows:-

- does not enhance the character and appearance of the conservation area;
- impact the mast will have on the Area of Great Landscape Value;
- damage to trees;
- spoil the views; and
- proximity to the housing;

Background reading/external references

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

**Statutory Development
Plan Provision**

Edinburgh City Local Plan - The site is an area of open space within an Area of Great Landscape Value and identified as a Local Nature Conservation Site.

Date registered

12 December 2014

Drawing numbers/Scheme

01a-05a,06-15,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Lynsey Townsend, Senior Planning Officer

E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 11 (Landscape Quality) establishes a presumption against development which would adversely affect important landscapes and landscape features.

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Inf 5 (Telecommunications) sets criteria for assessing telecommunication developments.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

Relevant Non-Statutory Guidelines

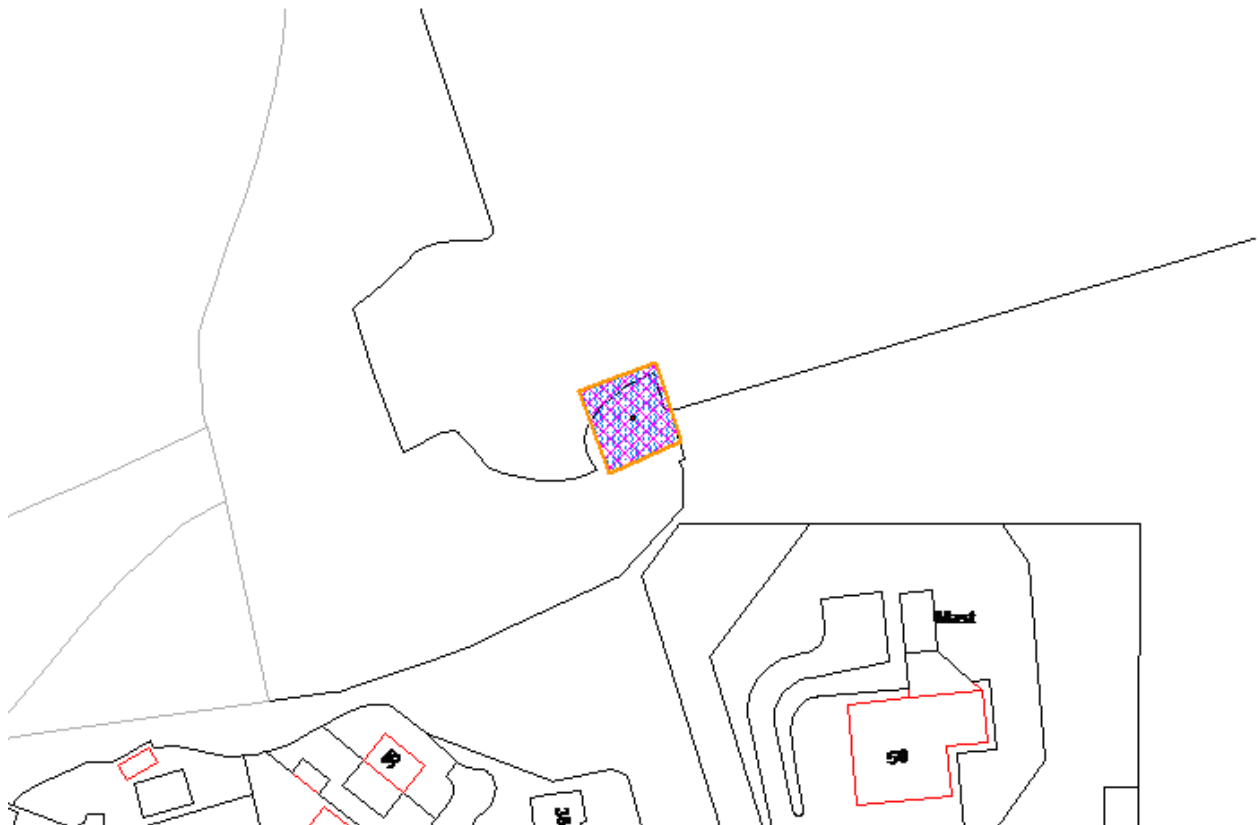
Appendix 1

**Application for Planning Permission 14/04980/FUL
At Telecomms Mast 70 Metres Northwest Of 50, Greenbank
Drive, Edinburgh
Permanent telecoms mast to replace the temporary masts
currently on the golf course (as amended).**

Consultations

No consultations undertaken.

Location Plan



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END

Development Management Sub Committee

Wednesday 29 July 2015

**Application for Planning Permission 15/01788/FUL
At 127 Trinity Road, Edinburgh, EH5 3LB
Demolition of existing garage building and the development
of five new houses with associated retaining walls.**

Item number	8.4(a)
Report number	
Wards	A04 - Forth

Summary

The proposal complies with the development plan. The non-compliance with the sunlight levels for the garden of the development is minor and acceptable in this instance. The proposal is acceptable in this location will enhance the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, traffic and road species, trees or wildlife.

Links

[Policies and guidance for this application](#)

LPC, CITD1, CITD5, CITE3, CITE5, CITE6, CITE12, CITE16, CITE17, CITE18, CITH1, CITH3, CITH4, CITT4, CITT6, CITI4, NSG, NSLBCA, NSGD02, OTH, CRPTRI,

Report

Application for Planning Permission 15/01788/FUL At 127 Trinity Road, Edinburgh, EH5 3LB Demolition of existing garage building and the development of five new houses with associated retaining walls.

Recommendations

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

Background

2.1 Site description

The application site is a back land site at the end of an unadopted lane accessed from Trinity Road. It is an area of land that lies to the west of Trinity Road, to the north of Primrose Bank Road and to the south of Lower Granton Road. There is a considerable height difference between Lower Granton Road and Primrose Bank Road and there is a high retaining wall to the north of the site at the boundary with the gardens of the tenements of Lower Granton Road. The site is currently occupied by a car repair garage which is housed in a large steel framed shed with fibre cement cladding and a pitched roof. The unadopted lane also serves two terraced houses that are located on the north side of the lane close to the entrance from Trinity Road. There are some self seeded trees on the site.

The application site, which includes the lane, is 1350m² in area, of which the garage currently occupies 475m². The current building varies between 5.8m and 8.3m high.

The surrounding area is almost entirely residential with semi-detached and detached villas to the south, terraced villas on Trinity Road to the east and tenements stretching from the north corner of the lane around the corner onto Lower Granton Road.

This application site is located within the Trinity Conservation Area.

2.2 Site History

13.04.2015 - Application withdrawn for the demolition of existing garage building and the development of five new houses with associated retaining walls. (14/05066/FUL).

There is a concurrent conservation area consent application to this planning to demolish the existing building with exception of the south wall (14/05070/CON) which is pending consideration.

Main report

3.1 Description Of The Proposal

This is an application for the construction of 5, 3 bedroomed terraced houses on the site of an existing garage which is to be demolished. The houses would be four storeys high, three storey above the height of the lane, and because of the slope of the site, a further basement level would open out on to gardens to the north of the houses. Each house is to have a garage accessed from the lane on the south side of the site. The houses will rise higher than the height of the existing garage by 1.9 m, however each house has a roof terrace to each side which results in a form of saw toothed roof profile, so the highest area of roof does not run consistently all the way along the length of the terrace.

The footprint of the new build is less than the footprint of the existing structure at 267m², as opposed to the 475m² occupied by the current building. Although the new building is slightly longer on the east-west axis than the current building, it is approximately half its width on the north-south axis. The existing sloping garden level will be built up and filled and a new higher retaining wall will be built at the boundary with the tenement gardens of Lower Granton Road. A 1.8m high garden fence will be erected on top of the retaining wall.

The building will be predominantly an off white brick, with areas of stained timber at ground level and a single ply membrane roof with standing seams. There will be solar panels on the flat section of roof. The retaining wall is to be clad with split faced blocks and the lane paved with monoblock.

The unadopted road will be brought up to adoptable standard and levels adjusted to enable fire engine access. Bin storage is to the west and east of the main site. Bins will to be brought down the lane on collection days. In addition to the garages, there will be space for 4 parked cars in the lane to the south of the dwellings and an additional one will be accommodated to the north of the turning area which will be formed at the head of the lane between the new build and the existing houses.

As part of this application the following documents have been submitted:

- Design Statement
- Flooding Report
- Daylighting, Sunlight and Privacy Study
- Lane Analysis

These are available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 principle of the development is acceptable in this location;
- b) the proposals will preserve or enhance the conservation area;
- c) the proposals will impact on the setting of listed buildings;
- d) the proposals are of an appropriate scale, form, and design;
- e) the proposals will result in an unreasonable level of neighbouring residential amenity;
- f) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- g) the proposals will have any traffic or road safety issues;
- h) the proposals will have detrimental impact on flooding issues;
- i) the proposals will have detrimental impact on trees;
- j) the proposals will have detrimental impact on wildlife and biodiversity;
- k) any impacts of equalities and human rights have been addressed; and
- l) any comments raised have been addressed.

a) The Acceptability of the Principle of the Development in this Location

The principle of removing the existing garage building is assessed in the concurrent conservation area consent application (14/05070/CON). The use that it houses is one that has coexisted with the residential uses in this area for a number of years but is not one that can be considered compatible with the residential character of the area. A residential use on this site would be more compatible with the area. The land is brownfield and as such represents a preferred site to develop than greenfield. However, there may be soil contamination from the existing use, and Environmental Assessment has requested that a condition is added to ensure that remedial measures are put in place to address any contamination.

The number of houses does will not produce a large number of additional children and will not trigger a need for any contributions for schools.

The issue of whether the proposals represent over-development is dealt with in section 3.3.c), however the principle of a residential development is acceptable in this location.

b) The Impact on the Character and Appearance of the Conservation Area

The Trinity Conservation Area Character Appraisal notes the "predominance of residential use" in the area and the "variety of architectural styles that contribute to the overall character".

The existing garage is large, bulky and clad in fibre cement. It is not an attractive feature in a conservation area that is characterised by residential uses and stone built terraces and villas. The loss of the garage will enhance the conservation area. The application site is not on a road and is only accessed up a short lane. The proposals will have no public presence and will not be readily viewed from any streets, although it will be able to be viewed from the rear of the Lower Granton Road tenements and the properties on the north side of Primrose Bank Road. As a back land development it does not fit within the prevailing urban grain. The fact that its form and materials are unlike the rest of the conservation area is not readily apparent from the street and does not adversely affect the character or appearance of the conservation area. The materials, an off-white brick and areas of timber, and the design, are not characteristic of the conservation area, however in this situation are part of a contemporary intervention that is appropriate in this concealed location.

The character and appearance of the conservation area will be enhanced.

c) The Impact on the Setting of the Listed Buildings

The location of new development is such that it will not affect the setting of the listed buildings on Trinity Road which are on the east side of the street. There are no listed buildings in the vicinity to be impacted by the development.

d) Scale, Form and Design

The application is for 5 terraced houses at the end of this lane in place of the existing garage. The roof profile of the terrace is irregular along the length of the terrace varying between 2 and 3 storeys high, with an additional basement storey at garden level on the north. It will rise up approximately 1.9m above the height of the existing ridge of the garage but will intermittently drop down at each individual house to be below the height of the existing building. The height of the other 2, two storey houses in the lane are approximately the same height as the garage. The agent considers that the houses are of the scale of mews housing more commonly seen in the New Town. Although mews housing is not normally of this height, and does not normally extend above two storeys, in this instance it is of approximately the same height as the existing houses and the existing garage. The scale and height of the terrace is not inappropriate in this instance.

The density of the dwellings is similar to that of mews housing, being similar in terms of footprint to the other two houses in the lane. The site is large and the new build will occupy significantly less area than the existing garage. The proposals do not match any prevailing urban grain but mark the transition between the low density villas and the high density tenemental buildings.

The site is secluded and the mews model is appropriate. In terms density it represents an acceptable density of housing in this location.

The design of the terrace is contemporary rather than traditional and presents a modern intervention in a location that is not readily seen from the street. The materials are likewise contemporary. The off white brick walls will be light and the areas of timber cladding will contrast with the brick. The materials are not traditional to the area but, as a modern intervention in a secluded site, are appropriate.

The dwellings are primarily north facing as this is dictated by the slope of the site. However the houses will take advantage of flat roofs for solar panels.

The scale, form and design of the proposals are acceptable.

e) Neighbouring Amenity

There is a significant distance between the new dwellings and the existing tenements. There will be 23m between buildings to the north and the distance to the closest villa on Primrose Bank Road is 35m. This complies with non-statutory guidance on minimum privacy distances.

The agent has submitted a Daylighting, Sunlight and Privacy Study. This shows the change to the amount of daylight received to each window to the rear of the tenements is no greater than 20% and within acceptable parameters outlined in the Non-statutory Edinburgh Design Guidance.

The existing building on top of the steeply sloping site, already casts a significant shadow on the rear gardens of the tenement. The new build will have a slightly worsening effect although the gardens will still receive daylight to 50% of their area for more than 3 hours during the spring equinox and therefore the change is within acceptable limits.

Rubbish is to be stored on site in individual wheelie bins. These are to be wheeled down to Trinity Road on pick up days. The presence of additional wheelie bins on Trinity Road should not impact either car parking, as they will be on the pavement, or cause rubbish on the street, as they are relatively secure and unlikely to tip.

There will be no detrimental impact on residential amenity.

f) Amenity of Future Occupiers

The gardens of the proposed development are north facing and sloping and will not receive the level of sunlight that is desirable in new developments. In this matter the proposals do not comply with guidance. It is understood that not all developments can have south facing exposure and the infringement of guidance in this instance is acceptable.

The level of amenity for future occupiers is acceptable.

g) Traffic or Road Safety Issues

The architect has submitted further information to satisfy Transport who does not object to this application. Information has been submitted to confirm that the road can be regraded to accommodate an emergency vehicle. An informative is added to ensure that the applicant is aware that Road Construction Consent will need to be applied for.

In terms of road safety, the works would require the approval of Road Construction Consent. The granting of this planning consent would be subject to the conclusion of a suitable legal agreement to provide costs towards upgrading the road and to introduce loading and waiting restrictions.

The garages proposed are small and may not accommodate large cars. However it is possible to park on the lane to the front of the properties. The applicant has submitted a 'Lane Analysis' to indicate that this development will be similar to mews properties in their dimensions and that external parking can be accommodated. Parking for existing residents on Trinity Road is cannot be safeguarded. Transport does not object on these grounds.

There will be no adverse impact on traffic and road safety.

h) Flooding Issues

The applicant has submitted sufficient information and the Flood Prevention Team is now content that the proposals do not cause an additional flood risk.

i) Impact on Trees

The development necessitates the removal of some self seeded sycamores that do not contribute to character of the wider conservation area. Subject to attached conditions relating to landscaping, this aspect of the proposals is acceptable.

The level of impact on trees is acceptable.

j) Impact on Wildlife and Biodiversity

The nature of the existing steel framed structure clad in fibre cement is unlikely to attract bat roosts and no further investigation for bats was requested. No protected species are identified as being potentially threatened by this development however a condition is added to ensure that no vegetation is removed during bird nesting season. The development presents opportunities for swift boxes and this is noted as an informative.

There will be no adverse impact on wildlife and biodiversity.

k) Equalities and Human Rights Issues

All properties must comply with Building Regulations in terms of providing for accessibility. However as the dwellings are spread over 4 levels they will not be fully accessible. As they are not worsening any existing situation, the impact on equalities is neutral. An Equalities and Human Rights Assessment has been completed.

I) Public Comments

Material objections

- Principle of the development - the issues of a residential use in this location on contaminated land has been addressed in section 3.3a). The requirement for any education contributions is also addressed in 3.3a);
- Impact on the conservation area, setting of the listed building, archaeology and UNESCO world heritage site - the issues of the impact on the conservation area has been addressed in section 3.3b) The impact on the setting of any listed buildings has been addressed in section 3.3c) There are no known archaeological constraints on the site and it is not within the World Heritage Site;
- Design, density, scale, height and materials. - these issues are addressed in section 3.3d);
- Neighbouring residential amenity - these issues, including sunlight, daylight and privacy are addressed in section 3.3e);
- Traffic and road safety - this issue including the size of the garages, parking and upgrading the lane for emergency vehicles is assessed in section 3.3g);
- Flooding - issues with respect to this are addressed in section 3.3h);
- Trees - loss of trees is addressed in section 3.3i); and
- Wildlife - the possible presence of bats and other protected species is addressed in section 3.3j).

Non-material objections

- Issues of subsidence and ground stability are addressed via the building warrant process; and
- Loss of views, disturbance from construction traffic and any impact on the structures of neighbouring properties are not material to the assessment of this planning application.

Conclusions

In conclusion the proposal complies with the development plan. The non-compliance with the sunlight levels for the garden of the development is minor and acceptable in this instance. The proposal is acceptable in this location will enhance the character and appearance of the conservation area and will have no detrimental impact on the setting of listed buildings, residential amenity, traffic and road species, trees or wildlife. There are no other considerations which outweigh this conclusion and approval is recommended.

The demolition of the existing garage is considered in a separate report (14/05070/CON).

The recommendation is subject to conditions on landscaping, materials, contaminated land and the conclusion of a legal agreement for a contribution towards road work and road restrictions.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.
3. Before any works start on site, a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of level changes, shall be submitted for approval in writing by the Planning Authority. The scheme as approved shall be implemented within the first planting season following the date of this consent.
4. No tree works or scrub clearance shall occur on site from 1st March through to 31st August each year.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In the interests of visual amenity and to ensure a satisfactory standard of local environmental quality.
4. In order to avoid disturbance during bird breeding seasons.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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.
4. 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. Structural approval for the existing retaining wall will be required.
5. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:
 - a. The sum of £2,000 to introduce suitable waiting and loading restrictions; and
 - b. The sum of £2,000 to redetermine sections of footway as carriageway as necessary.
6. The applicant should be informed that prior to carrying out any works to the existing road, suitable consents must be applied for and secured.
7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to 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

The application was advertised on 01.05.2015. In all there have been letters of representation from 44 neighbours and members of the public, one petition of seven signatures and one letter from each of the Trinity Community Council, and Dunedin Canmore Housing Association

The Community Council have objected to the proposals as have 42 neighbours and members of the public.

There have been 5 letters of support and these include the petition of 7 and the letter from the housing association. One of the signatories on the petition also wrote an individual letter of support.

Material Representations

Material objections relate to:

Principle of the development

- Principle of housing acceptable but this is overdevelopment;
- 2-3 houses would be more appropriate;
- Brownfield site that may be contaminated and inappropriate for housing; and
- Schools already over-subscribed.

Impact on the conservation area, setting of listed buildings, world heritage site and any archaeological remains

- Detrimental impact on the conservation area;
- Detrimental impact on the setting of neighbouring listed buildings;
- Proposals are not sympathetic with others in lane or conservation area;
- Detrimental impact on the setting of neighbouring listed buildings;
- Detrimental impact on UNESCO world heritage site;
- Additional bins on street would adversely affect conservation area;
- Contrary to Local Plan Policies EN3 and EN6;
- Materials not characteristic of conservation area; and
- Could disturb archaeology.

Design

- Too high;
- Scale, density, massing and materials are inappropriate;
- Mews houses not a feature of Trinity;
- Mews houses are generally 2 storeys high;
- materials are not traditional;
- Contrary to Local Plan Policies Des1, Des 3 and Des 4;
- Lack of southern exposure does not allow for passive solar gain; and
- Design is out of character with the area.

Traffic and road safety

- Will cause congestion;
- Garages are too small and don't meet Council guidance;
- Residents won't park in garages but will park in lane or Trinity Road;
- The existing parking problems will be exacerbated;
- Will add to traffic problems at junction of Trinity Road and Lower Granton Road;
- Impact on road safety for other cars pedestrians and cyclists;
- Restricted sightlines will reduce road safety;
- The lane is unadopted
- If roadway is widened then it is at the expense of the footway
- The lane is too narrow for this amount of development; and
- The lane is too narrow to allow access for emergency and delivery vehicles.

Residential amenity

- Overlooking into rear of Lower Granton Road and to the gardens of Primrose Bank Road;
- Loss of daylight to Lower Granton Road flats;
- Proposed gardens will be overshadowed;
- Daylighting study ignores the impact of the retaining wall;
- Street lighting would adversely affect amenity;
- Overlooking from terraces;
- There will be additional rubbish in the streets;
- Bins on Trinity Road would be a problem for health and safety; and
- Residents should not have to carry their rubbish more than 30m.

Flooding

- A SUDS system should be in place; and
- The site experiences problems with drainage.

Loss of trees

- Mature trees will be lost.

Impact on biodiversity

- Disruption to wildlife;
- Bats have been sighted;
- Possibility of newts; and
- There should have been a EIA.

Contaminated land

- The site is brownfield and likely to be contaminated.

Non-material Representations

- there are issues of subsidence in this area and the site is not appropriate for this level of development;
- Disruption due to construction traffic;
- Subsidence due to vibration from construction works;
- Damage to properties adjacent to the lane; and
- Loss of views.

Community Council Comments

The Trinity Community Council objects to the proposals on the following material grounds:

- The principle of housing in this location is acceptable but this represents overdevelopment, 2-3 houses would be more appropriate;
- Height of the dwellings;
- Overlooking of properties on Lower Granton Road
- The site is contaminated and remedial measures would be required;
- loss of trees and requirement for a replacement tree planting plan;
- The lane is too narrow for access for emergency, service and delivery vehicles;
- Road safety and restricted sight lines; and
- Not enough space for parking on site.

A non-material point relates to:

- Possible subsistence and ground stability.

The letters of support raised the following material points:

Principle of the development

- Residential use better than garage.

Impact on the Conservation area

- Improvement to character of area.

Design

- Design is of quality.

Traffic and Road Safety

- Improvement to road/lane and access for emergency vehicles; and
- Parking will be adequate.

Residential amenity

- Improvement to rear green of Lower Granton Road tenements; and
- Improved outlook.

Flooding

- Improved drainage.

A full assessment of the representations can be found 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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application site is within the Trinity Conservation Area and in the Urban Area of the Edinburgh City Local Plan

Date registered

15 April 2015

Drawing numbers/Scheme

1-3, 4a, 5-11,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Inf 4 (Renewable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy generation.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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 and landscape, in Edinburgh.

Other Relevant policy guidance

The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials, and the predominance of residential use.

Appendix 1

Application for Planning Permission 15/01788/FUL At 127 Trinity Road, Edinburgh, EH5 3LB Demolition of existing garage building and the development of five new houses with associated retaining walls.

Consultations

Transport

Further to my memorandum of 14 May 2015, I confirm that I have no objection to the proposed application subject to the following being included as conditions or informatives as appropriate:

- 1. 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. Structural approval for the existing retaining wall will be required;*
- 2. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:*
 - a. The sum of £2,000 to introduce suitable waiting and loading restrictions;*
 - b. The sum of £2,000 to redetermine sections of footway as carriageway as necessary;*
- 3. The applicant should be informed that prior to carrying out any works to the existing road, suitable consents must be applied for and secured.*

Note:

- The applicant should be aware that the construction of the road is likely to impact on neighbouring property foundations.*
- note that the Scottish Fire Service has confirmed that they will be satisfied with the proposed road once the angle of the access has been satisfactorily altered to allow for fire appliances.*

Flooding

11th May 2015

Further to our memo of the 8/1/15 for the previous application (14/05066/FUL) and information received by this Unit entitled "Drainage Strategy for 127 Trinity Road, Edinburgh, Elliott & Company, March 2015" and accompanying drawing "Civil Layout, Proposed Below Ground Drainage, no: CL101", the Flood Prevention Unit has the following comments:

- o It is the intention of the developer to utilise attenuation tanks that will be throttled to a discharge rate of 2l/s as agreed with Scottish Water. This Unit requires further information with regards to the pipelines and attenuation tank to demonstrate that the*

proposed infrastructure can contain the 200 year flood event and therefore minimising the flood risk to the properties.

o The attenuation tank is not a form of SUDS that will provide a level of treatment. Under SPP the appropriate treatment train is required, even if it is discharging to the combined sewer. Further information is therefore sought.

o Although section 4.3 of the report concludes that the conveyance routes of exceedence flows will not change greatly between pre- and post-development, this Unit needs to be provided with a drawing detailing surface water flowpaths. This is to ensure that water is not being directed straight into the front doors of the proposed residential properties.

o The Planning department have had a number of representations from the house owners to the north of the development site stating that water is draining from the development site and causing damage to their gardens. It is noted that the proposed development lies at a higher level than the properties to the north, on Lower Granton Road, and therefore surface runoff will naturally flow towards these properties. It is unclear whether the water ingress onto the lower properties is due to surface water, groundwater or a damaged pipe. It is the developer's intention to replace the current retaining wall that is to support the back gardens. It is expected that a building warrant will be required for this new work and therefore the developer will need to assess groundwater. If groundwater is the cause of the ingress then potential seepage holes across the new retaining wall could help the current householders who are suffering damage. It is also proposed to construct a new infiltration drain behind the proposed retaining wall which could also help alleviate the situation.

9th July 2015

I have reviewed the information submitted and can confirm that Flood Prevention are now content with the proposals.

Environmental Services

The applicant proposes the demolition of an existing vehicle repair garage for replacement with residential dwellings. The property borders gardens of existing residential properties to all sides.

As this proposal will see the removal of a potentially noisy commercial use replaced with dwellings it can be viewed as a planning gain. However, due to the previous use of the site, a condition is recommended to ensure that potential contamination of the land is addressed.

Environmental Assessment has no objections to this development, subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is

acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Location Plan



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Development Management Sub Committee

Wednesday 29 July 2015

Application for Conservation Area Consent 14/05070/CON
At 127 Trinity Road, Edinburgh, EH5 3LB
To demolish the existing building with exception of the south wall.

Item number	8.4(b)
Report number	
Wards	A04 - Forth

Summary

The proposal complies with the development plan and non statutory guidance and will enhance the character and appearance of the conservation area.

Links

<u>Policies and guidance for this application</u>	LPC, CITE5, OTH, CRPTRI,
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Report

Application for Conservation Area Consent 14/05070/CON At 127 Trinity Road, Edinburgh, EH5 3LB To demolish the existing building with exception of the south wall.

Recommendations

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

Background

2.1 Site description

The application site is a back-land site at the end of an unadopted lane accessed from Trinity Road. It is an area of land that lies to the west of Trinity Road, to the north of Primrose Bank Road and to the south of Lower Granton Road. There is a considerable height difference between Lower Granton Road and Primrose Bank Road and there is a high retaining wall to the north of the site at the boundary with the gardens of the tenements of Lower Granton Road. The site is currently occupied by a car repair garage which is housed in a large steel framed shed with fibre cement cladding and with a pitched roof. The unadopted lane also serves two terraced houses that are located on the north side of the lane close to the entrance from Trinity Road. There are some self seeded trees on the site.

The application site, which includes the lane, is 1350m² in area, of which the garage currently occupies 475m². The current building varies between 5.8m and 8.3m high.

The surrounding area is almost entirely residential with semi-detached and detached villas to the south, terraced villas on Trinity Road to the east and tenements stretching from the north corner of the lane around the corner onto Lower Granton Road.

This application site is located within the Trinity Conservation Area.

2.2 Site History

13.04.2015 - Application withdrawn for the demolition of existing garage building and the development of five new houses with associated retaining walls. (14/05066/FUL).

There is a concurrent planning application to this conservation area consent application for the demolition of existing garage building and the development of five new houses with associated retaining walls (15/01788/FUL) which is pending consideration.

Main report

3.1 Description Of The Proposal

The application is for the demolition of a car repair garage which is housed in a large steel framed shed with fibre cement cladding and with a pitched roof. The building is 475m² in area and 6.84m at its highest point above the existing road level.

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

3.3 Assessment

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

- a) the proposals will preserve or enhance the character or appearance of the conservation area;
- b) any impacts of equalities and human rights have been addressed; and
- c) any comments raised have been addressed.

a) The Impact on the Character and Appearance of the Conservation Area

The Trinity Conservation Area character appraisal notes the "predominance of residential use" in the area and the "variety of architectural styles that contribute to the overall character".

The existing garage is a large bulky shed, clad in fibre cement. It is not an attractive feature in a conservation area that is characterised by residential uses and stone built terraces and villas. It is anomalous with the prevailing grain and character of the area. The loss of the garage will enhance the conservation area.

b) Equalities and Human Rights Issues

The proposals have no impact on equalities and human rights. An Equalities and Human Rights Assessment has been completed.

c) Public Comments

No comments have been submitted that object to the loss of the garage, as all letters submitted comment on the proposals that are the subject of the planning application.

Conclusion

In conclusion the proposal complies with the development plan. It will enhance the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.
2. The application shall be notified to the Scottish Ministers prior to determination.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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 is not subject to 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

This application was advertised on 26.12.2014. There have been 5 letters of representation, one of which was late. Of the objections that were received on time, there have been 3 objections and one letter of comment. All the letters made comments that were non-material to the assessment of this conservation area application as they referred to proposals contained in the planning application and not the principle of the loss of the garage building.

Background reading/external references

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

**Statutory Development
Plan Provision**

The application site is within the Trinity Conservation Area and in the Urban Area of the Edinburgh City Local Plan.

Date registered

8 December 2014

Drawing numbers/Scheme

1-5,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Barbara Stuart, Senior Planning Officer

E-mail: barbara.stuart@edinburgh.gov.uk Tel: 0131 529 3927

Links - Policies

Relevant Policies:**Relevant policies of the Edinburgh City Local Plan.**

Policy Env 5 (Conservation Areas – Demolition of Buildings) sets out criteria for assessing proposals involving demolition of buildings in conservation areas.

Other Relevant policy guidance

The Trinity Conservation Area Character Appraisal emphasises the wealth of detached villas set in substantial plots with generous spacing to their neighbours, the high quality stone built architecture of restricted height, the predominant use of traditional building materials, and the predominance of residential use.

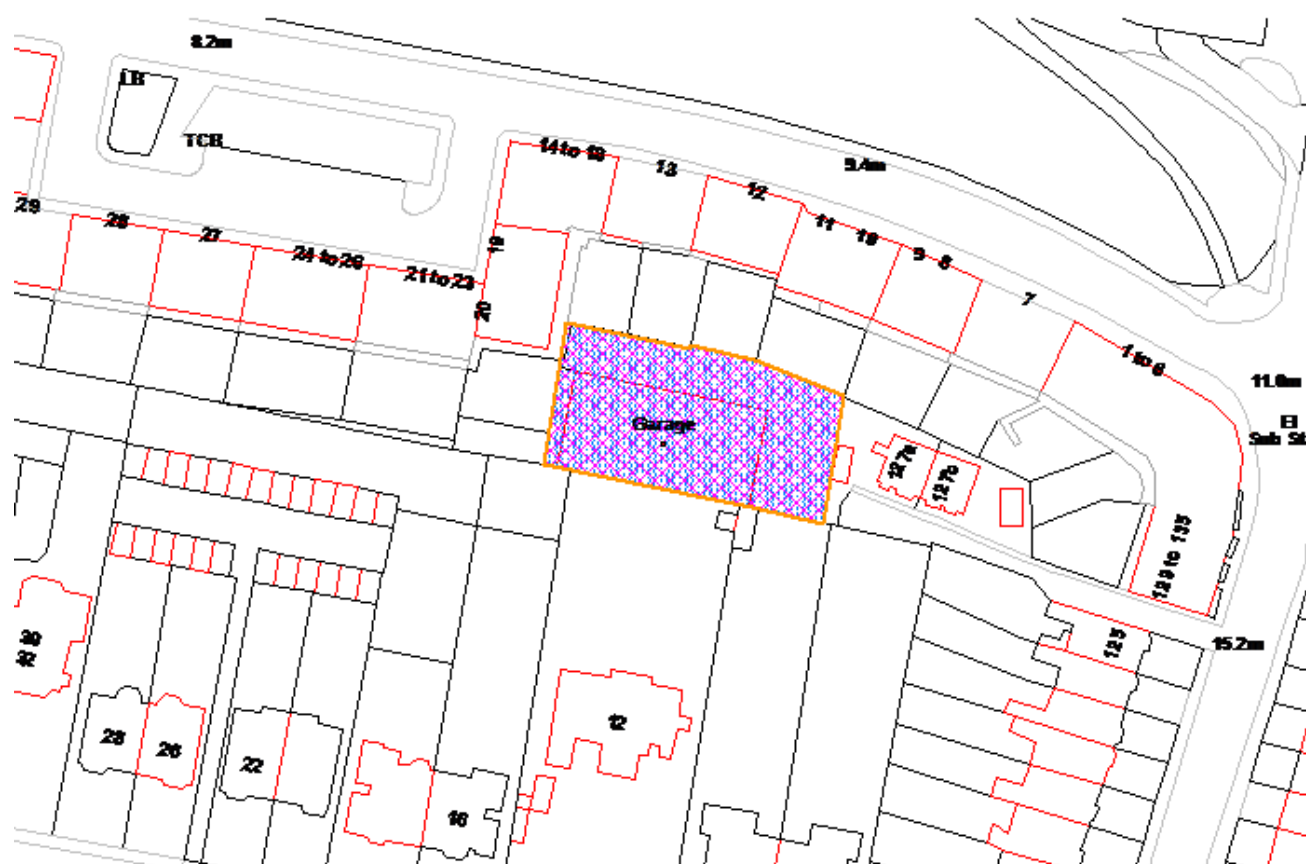
Appendix 1

**Application for Conservation Area Consent 14/05070/CON
At 127 Trinity Road, Edinburgh, EH5 3LB
To demolish the existing building with exception of the
south wall.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub-Committee

Wednesday 29 July 2015

REPORT ON FORTHCOMING APPLICATION BY DREAMVALE PROPERTIES LTD. FOR A MIXED USE DEVELOPMENT COMPRISING HOTEL, BAR, RESTAURANT, CAFE, RETAIL AND COMMERCIAL USES WHICH WILL INCLUDE ALTERATIONS AND PARTIAL DEMOLITION OF EXISTING BUILDINGS AT 1-6 INDIA BUILDINGS, 11-15 VICTORIA STREET, 18-20 COWGATE.

Item number 10.1

Report number

Wards A11 – City Centre

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming planning application in respect of a major development for a mixed use development comprising hotel, bar, restaurant, cafe, retail and commercial uses which will include alterations and partial demolition of existing buildings.

In accordance with the provisions of the Town & Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice (reference: 15/02212/PAN) on 11 May 2015.

Links

Coalition pledges

Council outcomes [CO7](#), [CO19](#), [CO23](#)

Single Outcome Agreement [SO4](#)

Report on forthcoming application by Dreamvale Properties Ltd. a major development for a mixed use development comprising hotel, bar, restaurant, cafe, retail and commercial uses which will include alterations and partial demolition of existing buildings.

Recommendations

1.1 It is recommended that the Committee note the key issues at this stage and advise of any other issues.

Background

2.1 Site Description

The site relates to 1 to 6 Victoria Street, known as India Buildings. This is category A listed (listed on 14 December 1970, reference 29868) and was designed by David Cousin and dates back to the late nineteenth century. It is described as a four storey Scots Baronial office block, and lies curved to the street frontage. The site also includes 11 to 15 Victoria Street which is category C listed (listed on 13 August 1987, reference 29877) which is a later nineteenth century, with a twentieth century brick extension to the rear. It is also four storeys and is bowed to the streetline.

The site extends to and is bounded by the Cowgate to the south, which lies at a much lower level. The site incorporates the Cowgatehead Church which is category B listed (listed on 29 March 2001, reference 47859). There are some temporary buildings lying to the east part of the site, with the eastern boundary of the site being the rear of the Edinburgh Public Library which fronts George IV Bridge.

There is no vehicular access into the site, but there are four north/south closes, Anderson Close, Pollock's Close, Allison's Close and Machonochie's Close which run or ran through the site in the past.

The site is located within the Old Town Conservation Area and the Edinburgh World Heritage Site.

2.2 Site History

13 February 2014 – Planning permission granted for change of use from office/retail to bar/restaurant. Form new French doors (as amended) at 4, 5 India Buildings (ref. 13/02772/FUL).

6 March 2014 – Listed Building Consent granted to form bar/restaurant and form new openings into no.4 at ground floor and basement. Form new French doors (as amended) at 4, 5 India Buildings (ref. 13/02772/LBC).

1 February 2013 – Planning permission granted for change of use to form hotel (as amended) at 1, 2 – 3, 6 India Buildings (ref. 12/04336/FUL).

1 February 2013 – Listed Building Consent granted for alterations to form hotel including replacement of existing escape stair to rear (as amended) at 1 India Buildings (ref. 12/04317/LBC).

11 August 2010 – Planning permission refused for change of use to a restaurant at 5 India Buildings (ref. 10/01523/FUL).

15 July 2008 - Planning Permission granted for a change of use to form hotel (as amended) (ref: 07/03417/FUL).

18 January 2008 - Listed Building Consent granted for alterations to form hotel including replacement of existing escape stair to rear (as amended) (ref: 07/03417/LBC).

23 June 2006 - Planning permission granted for a change of use from commercial building to backpacker's hostel with coffee shop at ground floor and basement at 1 – 6 India Buildings (ref: 05/04077/FUL).

21 February 2006 – Listed Building Consent granted to alter commercial building to back packers hostel and coffee shop at 1 – 6 India Buildings (as amended) (ref. 05/04077/LBC).

13 May 2004 – Planning permission refused for part change of use from office and nightclub complex to nightclub complex at 4 – 5 India Buildings (ref. 03/03525/FUL).

5 October 1999 – Planning permission granted to alter frontage at 4 India Buildings (ref. 99/01291/FUL).

3.1 Description of the Proposal

A detailed application will be submitted for a mixed use development comprising hotel, bar, restaurant, cafe, retail and commercial uses which will include alterations and partial demolition of existing buildings.

3.2 Key Issues

The key considerations which the eventual application will be assessed include whether:

a) the development would be acceptable in principle having regard to the development plan;

Within the adopted Edinburgh City Local Plan (ECLP) and the Second Proposed Edinburgh Local Development Plan (LDP), the site is located in the Central Area. The suitability of the proposed use in this area will therefore require to be assessed against policy Ca 1 of the ECLP and Del 3 of the LDP (Development in the Central Area).

b) the design and layout are acceptable within the character of the area; and does the proposal comply with the Edinburgh Design Guidance;

The proposals will come forward as a detailed application. In addition, a Design and Access Statement will accompany the application.

The proposed development will be assessed under the relevant design policies of the ECLP and the LDP, as well as the provisions of the Edinburgh Design Guidance.

The development will be assessed against policies Env 2 and Env 3 (demolition and setting of listed buildings), Env 4 (listed buildings, alterations and extensions), and policies Env 5 and Env 6 (demolition and development in Conservation Areas). It will also be required to be assessed against policy Env 1 (Development in the World Heritage Site) of the ECLP.

The suitability of the proposals in relation to the conservation area, the impact of the development on listed buildings and their setting, the impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site will require to be demonstrated.

c) access arrangements are acceptable in terms of road safety and public transport accessibility;

The application should have regard to transport policies of the ECLP and the LDP. Transport information will be required to support the proposals.

d) there are any other environmental factors that require consideration;

The applications will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment, including:

- Planning Statement;
- Pre-Application Consultation Report ;
- Detailed Plans and Illustrations;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Heritage Impact Assessment;
- Structural Condition and Window Surveys;
- Archaeological Evaluation;
- Sustainability Statement;
- Economic Impact Assessment;
- Viability Assessment;
- Air Quality Assessment;
- Noise Assessment;
- Site Investigation Report
- Flood Risk and Drainage Strategy;
- Transport information;
- Framework Travel Plan; and
- Delivery and Servicing Plan.

3.3 Conclusion

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received and consultees and the public have the opportunity to comment.

Financial impact

4.1 It is likely that the application will be subject to a legal agreement.

Risk, policy, compliance and governance impact

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

Equalities impact

6.1 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 The Proposal of Application Notice (reference 15/02212PAN), outlined a public event to be held at India Buildings, Victoria Street, on Thursday 25 June 2015 between 2pm and 8pm and Saturday 27 June 2015 between 10am and 4pm. An advert in the Evening News will be published seven days prior to this event and posters will be displayed in the local libraries and public buildings. Meetings are to be held with the Community Council and other stakeholder groups.

The results of the community consultation will be submitted with the application as part of the Report on Community Consultation.

Background reading/external references

- To view details of the Proposal Of Application Notice go to
- [Planning and Building Standards online services](#)

David R Leslie

Acting Head of Planning and Building Standards

Contact: Emma Wilson

E-mail: emma.wilson17@edinburgh.gov.uk

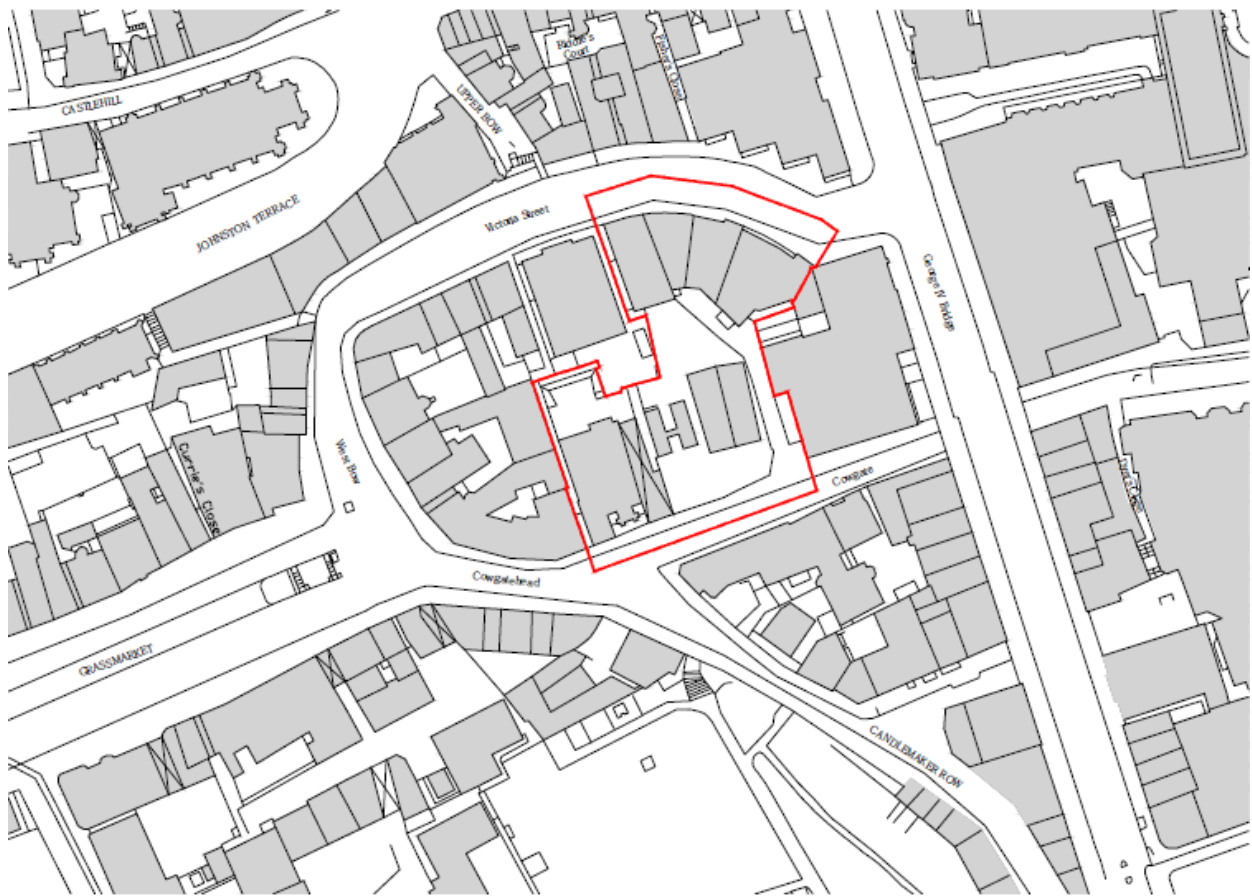
Coalition pledges

Council outcomes CO7 Edinburgh draws new investment in development and regeneration.
CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.
CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community.

Single Outcome Agreement SO4 Edinburgh's communities are safer and have improved physical and social fabric.

Appendices Location Plan

Location Plan



Development Management Sub Committee

Wednesday 29 July 2015

Report for forthcoming application by

Miller Homes Ltd. for Proposal of Application Notice

15/02778/PAN

**At Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh
Residential and associated development.**

Item number	10.2
Report number	
Wards	A08 - Colinton/Fairmilehead

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission in principle for a residential and associated development on a greenfield site with an area of 4.55 hectares located to the east of Winton Drive and south of Winton Loan, Edinburgh.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 as amended, the applicants submitted a Proposal of Application Notice 15/02778/PAN on 11 June 2015.

Links

Coalition pledges	
Council outcomes	CO7, CO19, CO23
Single Outcome Agreement	SO4

Report for forthcoming application by Miller Homes Ltd. for Proposal of Application Notice

15/02778/PAN

At Land 88 Metres East Of 1-15, Winton Gardens, Edinburgh Residential and associated development.

Recommendations

- 1.1** It is recommended that the Committee note the key issues at this stage and advise of any other issues.

Background

2.1 Site description

The application site is dog-legged shaped field in agricultural use that extends to 4.55 hectares. It slopes down from north to south with open aspect over the remainder of the field and the city by-pass. It is located to the east of Winton Drive and Winton Gardens and bounded by a road and houses along that boundary. There is an existing vehicular access into the site from Winton Gardens. A tree belt, which is designated open space and protected by a Tree Preservation Order, bounds the site to the north along Winton Loan. The settlement of Morton Mains lies to the east of the site. The site is located within the Green Belt and Morton Mains Conservation Area.

2.2 Site History

13 August 1981 - planning permission refused for residential development (application reference: 81/00075/FUL). Reasons for refusal were: contrary to Green Belt policies and policy concerning unnecessary greenfield housing development.

25 February 1983 - subsequent appeal against the above dismissed.

20 August 1986 - outline planning permission refused for residential development (application reference: 86/00449/FUL). Reasons for refusal were: contrary to structure plan and current and emerging local plan Green Belt policies; no strategic need to release land before full consideration given in local plans to the contribution of other urban and greenfield sites could make towards greenfield housing requirements; and would result in an excessive number of dwellings gaining access from Winton Drive to the detriment of road safety.

9 September 1987 - subsequent appeal against the above dismissed.

19 April 2012 - planning permission refused for a residential development (15 units) with associated parking, landscaping, footpaths and open space (application reference: 11/03948/FUL).

Reason for refusal was: the proposal is for a non-conforming use that will be detrimental to the open and rural character and appearance of the Green Belt, contrary to Edinburgh City Local Plan Policy Env 10: Green Belt.

2 November 2012 - subsequent appeal against above dismissed (application reference: PPA-230-2078).

Other relevant site history

First and Second Proposed Local Development Plan(s) - the site has been promoted for housing development, indicative capacity of 50 homes, by the applicant who has owned the site since 1970s. This is one of the outstanding issues of the Second Proposed Local Development Plan to be examined by the Directorate for Planning and Environmental Appeals.

Main report

3.1 Description Of The Proposal

An application for planning permission in principle will be submitted for a residential and associated development.

No details have been submitted regarding the number or mix of units, layout or design of the proposed scheme.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

a) The principle of the development is acceptable in this location:

The site is located within the Green Belt in the adopted Edinburgh City Local Plan (ECLP) and the emerging Second Proposed Local Development Plan (LDP).

Housing development that is not required for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation is contrary to ECLP policy Env 10: Green Belt, and LDP policy Env 10: Development in the Green Belt and Countryside. In addition the site is not located in a Strategic Development Area, as defined by the Second Proposed Local Development Plan, where additional housing development is directed, by SESplan Housing Land Supplementary Guidance, in the first instance.

The applicant will have to justify a departure to Green Belt policy objectives.

b) The design, scale and layout are acceptable within the character of the area, including the conservation area; and does the proposal comply with the Edinburgh Design Guidance:

The applicant will have to demonstrate the proposal preserves and enhances the essential character and appearance of the Morton Mains Conservation Area and is consistent with the character appraisal to accord with ECLP policy Env 6: Conservation

Areas – Development and LDP policy Env 6: Conservation Areas - Development. The character appraisal identifies rural quality and sense of seclusion form part of its essential character.

The LDP designates the site as being located within a proposed Special Landscape Area. The applicant will have to demonstrate the proposal will not have a significant adverse impact on the special character or qualities of the proposed Special Landscape Areas shown to accord with LDP policy Env 11: Special Landscape Areas.

The trees located to the north of the site are protected by a Tree Preservation Order. The design and layout of the scheme should be informed by these tree constraints and ensure potential future occupants have a reasonable level of private amenity that is not overshadowed by the protected trees.

c) Access arrangements are acceptable in terms of road safety and public transport accessibility:

The proposals should have regard to transport policies in ECLP and LDP and Designing Streets. The impact on traffic flows on local roads and access to public transport will have to be demonstrated.

d) There are any other material considerations and/or environmental factors that require consideration;

The applicant will be required to submit sufficient information to demonstrate the site is capable of accommodating the proposed development and that there is sufficient infrastructure capacity.

A contribution would be required towards local primary and secondary school provision, in accordance with the provisions of the guidance on Developer Contributions and relevant Development Plan provisions. An affordable housing contribution will be required if the number of units exceed 12. This will be expected to be provided on site if the number of units is 20 or more. The provision of affordable housing should reflect the mix of units provided and be tenure blind.

The following supporting documents will be required to enable the determination of the application:

- Pre-Application Consultation Report;
- Planning Statement;
- Design and Access Statement;
- Transport Information;
- Landscape and Visual Impact Appraisal;
- Tree Survey;
- Flood Risk Assessment and Surface Water Management Plan;
- Habitat and Protected Species Survey;
- Archaeological Evaluation;
- Air Quality Impact Assessment; and
- Sustainability Assessment.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new applications are received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 It is likely that the application will be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The Proposal of Application Notice (reference: 15/02778/PAN) outlined one public exhibition to be held; one on 25 August at Oxfords Library between 15:15-19:30 and a meeting with the Fairmilehead Community Council, the date to be confirmed.

The results of the community consultation will be submitted with the application as part of the Pre-application Consultation Report

Background reading/external references

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

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Jo-Anne Jamieson, Planning Technician

E-mail: jo-anne.jamieson@edinburgh.gov.uk Tel: 0131 529 3147

Links

Coalition pledges

Council Outcomes -

CO7 Edinburgh draws new investment in development and regeneration.

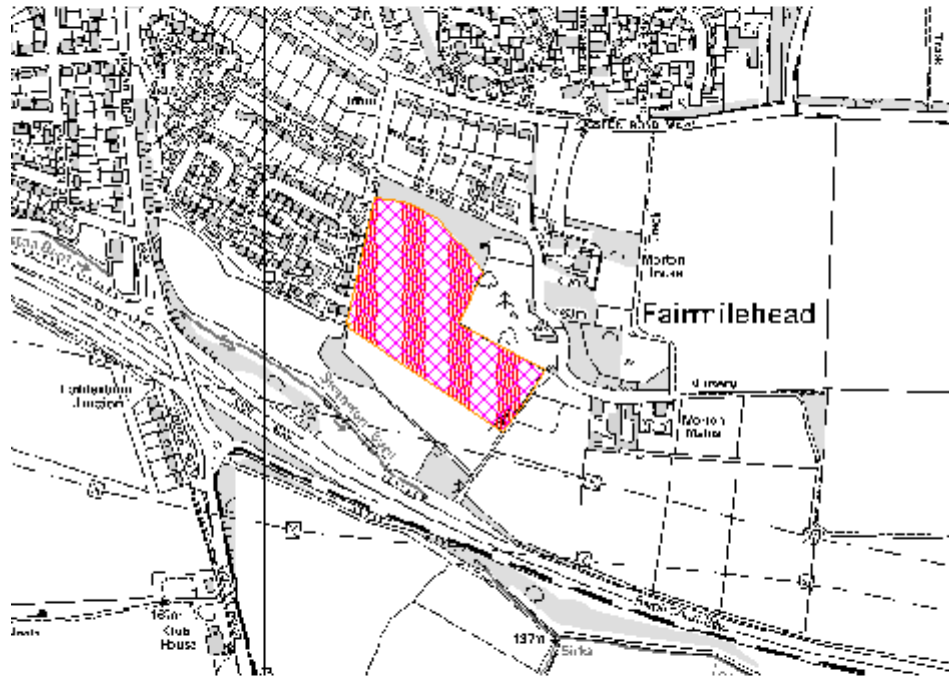
CO19 Attractive Places and Well Maintained – Edinburgh remains an attractive city through the development of high quality buildings and places and the delivery of high standards and maintenance of infrastructure and public realm.

CO23 Well engaged and well informed – Communities and individuals are empowered and supported to improve local outcomes and foster a sense of community.

Single Outcome Agreement

SO4 Edinburgh's communities are safer and have improved physical and social fabric.

Location Plan



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