

Planning Permission 10/01616/FUL
at
25 Hawthornvale
Edinburgh
EH6 4JT

Development Management Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 10/01616/FUL, submitted by Ms Kernan. The application is for: **New external landscaped, walled garden incorporating 2 artists studios, community cafe and external area for events and exhibition of work**

It is recommended that this application be **GRANTED** subject to the conditions below.

2 The Site and the Proposal

Site description

The application site comprises a large, brick built warehouse building currently occupied by the Edinburgh Sculpture Workshop and an area of open ground set immediately to the east. The site is located on the south side of Hawthornvale opposite its junction with Jessfield Terrace. Residential tenement properties span the north side of Hawthornvale opposite the application site. The site, which is screened from the street by mature trees, slopes away from Hawthornvale towards a tree-lined pedestrian corridor that runs parallel to the south boundary. This corridor is an identified urban wildlife site. The surrounding area is primarily residential in nature.

Site History

06.10.1993 Planning permission was granted for a change of use of the existing building from storage and distribution to workshop and office use (93/01680/FUL)

16.05.08 Planning permission was granted for the erection of a 3 storey building comprising 3 workshops, 30 studios, 2 studio flats, office space and areas for educational use. (07/01523/FUL)

Pre-Application Process

Description of the Proposal

The proposal is to demolish the existing workshop and for a new external landscaped, walled garden incorporating 2 artist's studios, community café and external area for events and exhibition of work. This would lie to the west of the previously approved 3 storey building to accommodate the Edinburgh Sculpture Workshop.

The open garden structure will be partly roofed to form 2 artists studios and a café, will be 43.2 metres long, 31.2 metres deep and 15.5 metres in height and includes a tower feature of 32.5 metres high. The structure will be lower than the street and a band of planting is proposed adjacent to the street. It would be finished in blue/black facing brick and brick slip cladding to match the walls to match the materials of the previously approved application 07/01523/FUL.

A new pedestrian route would be formed through the site linking Hawthornvale with the cycle path across the roof of the café.

3. Officer's Assessment and Recommendation

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?

ASSESSMENT

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

- a) the principle of the development is acceptable;
- b) the scale and design is appropriate;
- c) there are any implications for road safety;
- d) the proposal would be detrimental to residential amenity;

a) The proposed use is currently established on the site and is acceptable in principle. Planning permission was been granted to the east of the site for a building to accommodate the Edinburgh Sculpture Workshop. This proposal for is further development establishing the use further.

The principle of the development is acceptable.

b) the proposal maximizes the sloping nature of the site by setting the building down from street level.

The proposal will result in a loss of trees directly on Hawthornvale and within the site however replanting will be introduce elsewhere on the site which will compensate for this.

The design which has a contemporary aesthetic of rectilinear forms and simple palate of good quality materials of brick and galvanised steel, contrasts with the architectural style of the surrounding area which on Hawthornvale is tenemental. It is in keeping with the style of the recently approved artists' workshop building which will lie directly adjacent to this. The contrast is appropriate since the building has a different use and sits within the site of a different character. The gates onto the walkway will provide visual connection between the building and the walkway and enhance the passive supervision and security of the walkway.

The proposed tower will act as a gateway and be visible from the street as well as from a distance on the cycle path. It marks the building as a public space within the city in a similar way that church spires or bell towers have done in the past. It has no negative effects on amenity, for example by adversely affecting the daylighting of neighbouring properties. It will add positively to the experience of using the walkway through creating an interesting feature on the route.

The scale and design of the building is acceptable.

c) Provision for 4 car parking spaces as well as secure cycle parking within the site in addition to that provide by the previous planning permission. In addition to the on-site provision, the site is adjacent to a cycle path and is well served by public transport with bus services on Newhaven Road and Anchorfield and will be further enhanced though the installation of the tram network nearby.

The proposal is satisfactory in terms of car parking provision.

d) The landscaped area is sited at a lower level than the properties on the north side of Hawthornvale. The tower feature will be slightly lower than the eaves of the tenement building. There will be no loss to residential amenity.

The nature of the proposed uses and processes that will be involved result in an increase in noise output and ventilation from the café use. These impacts can be controlled by way of planning conditions as recommended by Services for Communities Environmental Assessment, restricting the hours of delivery and collection times, cooking restrictions, floodlighting restrictions and light spillage and the audibility of generate noise in adjacent properties.

The proposal will not be detrimental to residential amenity.

In conclusion the proposed development is acceptable in principle, is of appropriate scale and design, will not have any road safety implications and it will not adversely affect residential amenity. There are no material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application solely for the Edinburgh Sculpture Workshop subject to conditions relating to landscaping, hours of operations, noise output, lighting, cooking. Archaeology and parking.

REASON FOR DECISION

The proposal complies with the development plan and the Council's Non-statutory guidance .The scale and design are acceptable and there will be no loss to existing residential amenities. There are no other material considerations which outweigh this.


 pp. John Bury
 Head of Planning

Contact/tel	Jennifer Zochowska on 0131 529 3793
Ward affected	A13 – Leith
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Urban Area
Date registered	9 June 2010
Drawing numbers/ Scheme	1,2,3A,4-16,17 Scheme 2

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner,
 Paul Devaney on 0131 529 3519. Email: paul.devaney@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail Gillian.ferrier@edinburgh.gov.uk or jack.dunn@edinburgh.gov.uk

Appendix A



Application Type	Planning Permission
Application Address:	25 Hawthornvale Edinburgh EH6 4JT
Proposal:	New external landscaped, walled garden incorporating 2 artists studios, community cafe and external area for events and exhibition of work
Reference No:	10/01616/FUL

Consultations, Representations and Planning Policy

Consultations

Transport Planning

I would recommend that the application be continued.

1. *The Council's current parking standards require the following to be provided:*
 - *Cafe Parking
2 No. space*
 - *Studios
5 No. spaces*
 - *Disabled Parking;
5% of parking to be suitable for disabled persons*
 - *Cycle parking facilities:
1 No. cycle parking stands to be provided at or adjacent to the main entrance to the development.*
- 1 *No. cycle parking stands to be provided in a secure and undercover location for staff; 4 No. cycle parking stands to be provided for visitors*
2. *The current proposals do not meet the Council's current parking standards;*
3. *The proposed vehicle turning area as shown on the Proposed Site Plan is not acceptable, all turning manoeuvres must be carried out within the site;*

4. *Bollards required at the entrance to the car park to prevent vehicle access onto the cycle track (as set out in the previous application for the site 07/01523/FUL);*
5. *Swept Path Analysis should be carried out for all movements in and out of the access road to determine that vehicles have sufficient space to manoeuvre;*
6. *Refuse vehicles on Hawthornvale at the entrance/exit of the access road might obscure visibility;*
7. *A safety barrier will be required along the length of the access road at the top of the embankment;*
8. *The existing cycle track will have to be widened to accommodate the access road;*
9. *The access road must be open for use by the public in terms of the statutory definition of 'road' and requires to be the subject of applications for road construction consent;*
10. *A re-determination order will be required for the access road (as set out in the previous application for the site 07/01523/FUL);*
11. *A Certificate of Technical Approval will be required from the City of Edinburgh Council's Structures Department;*
12. *Swept Path Analysis should be carried out for all movements and turning manoeuvres within the car park to determine that vehicles have sufficient space to manoeuvre;*
13. *Street Lighting columns will have to be relocated to allow for the road widening;*
14. *The provision, layout, location and number of cycle parking must be to the Council's standards, i.e. 'Sheffield' style racks at 1m centres with sufficient room to manoeuvre cycles;*
15. *The proposed locations for cycle parking is not suitable;*
16. *A draft travel plan to the satisfaction of the Director of City Development to be submitted for approval prior to occupation and a finalised travel plan to be submitted within 12 months of that date;*
17. *All disabled persons parking places must 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;*

18. *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.*

Consent should not be issued until the applicant has signed a suitable legal agreement to provide the following:

1. *A financial contribution to the Edinburgh Tram of £52,072 in line with the approved Tram Line Developer Contributions report (based on 1698m² 'other leisure' in zone 1);*
2. *A financial contribution of £2,000 approximately to progress a suitable traffic regulation order for the disabled bays.*

Note:

1. *The applicant should be made aware of the tram proposals in the vicinity of the proposed site, and an advisory note should be added to the decision notice if permission is granted, noting that it would be desirable for the applicant to consult with tie regarding construction timing. This is due to the potential access implications due to construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at the site. In this regard please request that the applicant contact Kirsty Wilson on 0131 622 8308 or Kirsty.Wilson@tie.ltd.uk*

Further comments recieved 14th September 2010

I have no objections to the proposed planning application. However I would like the following points to be noted and attached to any approval as a condition or informative as considered appropriate.

1. *All accesses should be open for use by the public in terms of the statutory definition of 'road' and requires to be the subject of applications for road construction consent.*
2. *A re-determination order will be required for the access road (as set out in the previous application for the site 07/01523/FUL);*
3. *A Certificate of Technical Approval will be required from the City of Edinburgh Council's Structures Department;*
4. *A safety barrier will be required along the length of the access road at the top of the embankment. A Road User Safety Audit should be carried out;*
5. *Refuse vehicles on Hawthornvale at the entrance/exit of the access road will obscure visibility. The applicant should contact Services for Communities to see if they can be relocated;*
6. *The existing cycle track will have to widened to accommodate the access road, as per the previous application;*

7. *Street Lighting columns will have to be relocated to allow for the road widening;*
8. *A draft travel plan to the satisfaction of the Director of City Development to be submitted for approval prior to occupation and a finalised travel plan to be submitted within 12 months of that date;*
Note:

1. *The applicant should be made aware of the tram proposals in the vicinity of the proposed site, and an advisory note should be added to the decision notice if permission is granted, noting that it would be desirable for the applicant to consult with tie regarding construction timing. This is due to the potential access implications due to construction/delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at the site. In this regard please request that the applicant contact Kirsty Wilson on 0131 622 8308 or Kirsty.Wilson@tie.ltd.uk*

b Services for Communities - Environmental Assessment

This proposal is to create an extension to the new Edinburgh Sculpture Centre which has been granted planning permission for redevelopment although not yet built. This new public space will feature 2 workshops, an exhibition space and a café. A new tower feature will also be created to provide a backdrop to the new centre. The agent had indicated that the new café, which would be open daily for public and function use, would initially operate with a full service kitchen. However the proposed ventilation would discharge effectively at street level and there would be the potential for cooking odours to affect residential amenity on Hawthornvale. After discussions with the applicant it was agreed that a "restricted class 3" café use would be more appropriate as this would limit the odours generated. The other conditions proposed will ensure that normal operation of this part of the Edinburgh Sculpture Centre does not adversely affect residential amenity. Similar conditions were applied to the main sculpture workshop building granted permission by application 07/01523/FUL. Therefore Environmental Health has no objections to this proposed development subject to the following conditions:

- 1) *Cooking, heating and reheating operations on the premises shall be restricted to the use of microwave, panini grill, soup kettle and bake potato oven only. No other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.*
- 2) *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.*
- 3) *The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.*

4) *All music and vocals, amplified or otherwise shall be so controlled as to be inaudible within any neighbouring premises.*

5) *The floodlighting system shall be so controlled so there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux.*

6) *The floodlighting system shall be designed such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible within any residential premises. All works which form a part of the approved scheme shall be completed to the satisfaction of the Head of Planning prior to the floodlighting scheme coming into full use.*

7) *Hours of deliveries and collections, including waste collections, shall be restricted to 07.00 - 21.00 hours, Monday to Saturday only.*

Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5739.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application to construct a new external landscaped walled garden incorporating artists studios, community cafe and external area for events and exhibitions.

The site lies within the northern limits of former Victorian North British railway connecting with Leith docks to the east, with the 19th century OS maps showing a range of separate buildings across the site connecting onto the railway. Prior to being renamed Hawthornvale in 1869 the area was known as Claypotts from the name of a local 18th c farm. The name itself is of great interest in that it may point to the area being used from the medieval period as a source of clay for nearby potteries serving Edinburgh and Leith.

As stated the site overlies an area associated with the Victorian North British Railway and possible medieval pottery workings, an area therefore regarded as being of archaeological interest. Therefore this application must be considered under the terms of the following Scottish Government policies; Scottish Planning Policy (SPP), PAN42 and SHEP and also under CEC's Edinburgh City Local Plan (2010) policies ENV8 and 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.

To date no archaeological investigation has taken place to determine that any such pottery workings or indeed any significant 19th century railway remains survive across this site. If remains of early pottery production do survive (in the form of possible pottery wasters, workshops, kilns etc) these would be regarded of great significance as to date no such remains have been excavated within Edinburgh.

However having assessed the potential impact of this I have concluded that on current information there is no justification for the refusal of consent on archaeological grounds. However ground breaking works associated with demolition and construction may undercover important archaeological remains. Accordingly it is recommended that a condition is attached to consent to ensure that a programme of archaeological works is undertaken during all ground breaking activities. This is in order to fully record, excavate and analyse any significant surviving buried archaeological remains that may be disturbed by development, where protection in situ is not possible.

It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works. A condition based upon the model condition stated in PAN 42 Planning and Archaeology (para 34), should be used as follows;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and 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, working either 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 archaeological work and for the archiving and appropriate level of publication of the results lies with the applicant.

Representations

The application was advertised on 25th June and one letter of representation was received from the Cockburn Association.

The material points of concern are

Design issues, taken into account of in assessment b

- height
- out of character with the surroundings
- materials

Transport issues, taken into account of in assessment d

- Car parking problems

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site lies within the urban area of the Edinburgh City Local Plan where the existing residential character and amenities are to be safeguarded. It is adjacent to a designated area of open space.

Relevant Policies:

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

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

Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

Policy Os 1 (Open Space Protection) sets criteria for assessing the loss of open space.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

Non-statutory guidelines on "Trees and Development" provides guidance on the information required to support planning applications in respect of tree protection, the retention of trees of landscape, biodiversity or amenity significance, and encourages new tree planting where appropriate.

Appendix B

Application Type	Planning Permission
Application Address:	25 Hawthornvale Edinburgh EH6 4JT
Proposal:	New external landscaped, walled garden incorporating 2 artists studios, community cafe and external area for events and exhibition of work
Reference No:	10/01616/FUL

Conditions/Reasons associated with the Recommendation**Recommendation**

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

Conditions

1. This permission is for the benefit of the applicant only and shall not be implemented by any other body without the prior written approval of the planning authority.
2. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Head of Planning before work is commenced on site.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
4. 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 Head of Planning, having first been agreed by the City Archaeologist.

5. Cooking, heating and reheating operations on the premises shall be restricted to the use of microwave, panini grill, soup kettle and only; no other forms of cooking, heating or reheating shall take place without the prior written approval of the planning authority.
6. 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.
7. The floodlighting system shall be controlled so that there is no direct illumination of neighbouring land, and so that any light spillage onto neighbouring land shall not exceed 25 lux.
8. The floodlighting system shall be designed such that no floodlighting bulb or floodlighting bulb reflecting surface shall be visible within any residential premises. All works which form a part of the approved scheme shall be completed to the satisfaction of the Head of Planning prior to the floodlighting scheme coming into full use.
9. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.
10. The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.

Reasons

1. In order to review the impact of another occupier on the site.
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 the approved landscaping works are properly established on site.
4. In order to safeguard the interests of archaeological heritage.
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.

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.

End

Appendix C



Application Type Planning Permission

Proposal: New external landscaped, walled garden incorporating 2 artists studios, community cafe and external area for events and exhibition of work

Reference No: 10/01616/FUL



Location Plan

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